

AN ORDINANCE

NO. 4029

AN ORDINANCE TO AMEND the Code of the Township of Lower Merion, Chapter 155, entitled Zoning, To Create A New Zoning District Grouped Together Within The City Avenue District, The New District Being Designated The City Avenue District – Bala Village (BV); And Within The District Providing Use Regulations, Dimensional Standards, Parking And Loading Requirements, Density Regulations, Development Design Standards and Signage Regulations.

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 III, Classification of Districts, 155-5, Classes of districts, subsection A, shall be amended by the addition of a new district, to provide as follows:

- A. For the purposes of this chapter, the Township is hereby divided into 27 districts which will be designated as follows:

BV City Avenue District Bala Village

Section 2: The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article XXXV, City Avenue District, 155-216 shall be amended by the addition of a new district, to provide as follows:

ARTICLE XXXV, CITY AVENUE DISTRICT

§ 155-216. Purpose; division into three districts

- B. The City Avenue corridor binds the uses within the City Avenue District into a unique configuration with many common development characteristics. However, because of the diverse concentration of commercial, institutional, office and residential uses within the District’s geographical boundaries, the City Avenue District is being divided into three separate zoning districts, the Regional Center Area (RCA), the Bala Cynwyd Retail District (BCR), and the Bala Village (BV).

Section 3: The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article XXXV, City Avenue District, shall be amended by the addition of a new district, to provide as follows:

§ 155-219. City Avenue District - Bala Village (BV)

The Bala Village zoning is designed to preserve the existing retail character of the area.

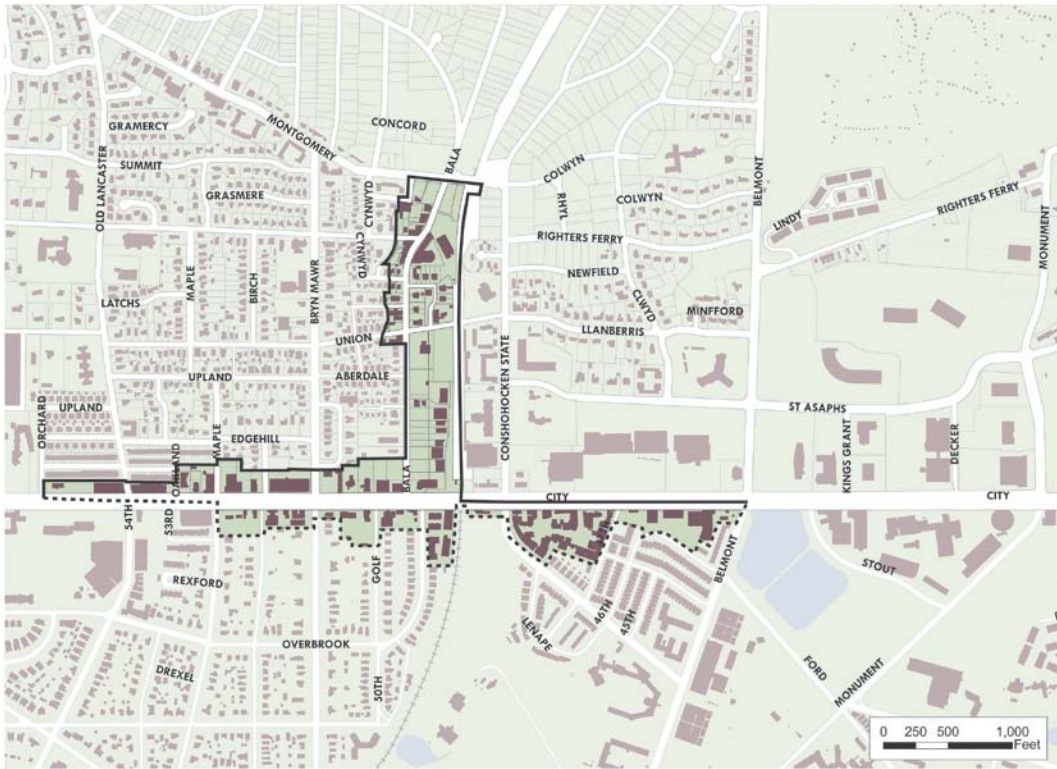
A. Purpose and applicability.

- (1) General Purpose. The City Avenue District - Bala Village is intended to encourage pedestrian-oriented development and redevelopment and more economically productive use of land parcels along Bala Avenue between City Avenue and Montgomery Avenue and along City Avenue between the Cynwyd Rail Line and Orchard Road. It recognizes the importance of the City Avenue District - Bala Village as a gateway to Lower Merion Township, and as a neighborhood- and transit-oriented center, by permitting appropriate densities and a mix of land uses while providing sufficient on- and off-street parking.
- (2) The general goals and objectives include the following specific purposes:
 - (a) Encourage multiple-use real estate development within the BV District that creates a sense of place and welcomes residents, visitors and workers;
 - (b) Preserve, and enhance the special character of the traditional early-20th century Bala Shopping District.
 - (c) Encourage pedestrian- and transit-oriented development through adoption of high standards of architecture and design;
 - (d) Minimize to the greatest extent possible any adverse impacts on existing residential neighborhoods of any new development in the BV District;
 - (e) Promote the livability and identity of the district by providing for dwellings, shops and workplaces in close proximity to each other;
 - (f) Enhance the visual character and identity of the district through appropriate building scale and design, landscaping and signage, and by encouraging the renovation and erection of buildings and storefronts that provide direct connections to the street and sidewalk;

- (g) Discourage the dependence on automobile use by promoting alternative modes of transportation, including rail and bus, bicycling and walking, thereby reducing traffic congestion;
- (h) Promote the smooth and safe flow of vehicular traffic through the corridor while reducing cut-through traffic in the neighboring residential districts;
- (i) Encourage the development of shared parking and attractive, unobtrusive and convenient off-street parking facilities to reduce on-street congestion and facilitate vehicular and pedestrian circulation.

(3) Applicability

- (a) The City Avenue District - Bala Village regulations apply to all lots within the City Avenue District -Bala Village, within the area designated on Map 5.
- (b) The development design standards in the City Avenue District - Bala Village shall apply to all new construction, and alterations and improvements to existing building exteriors, and changes to exterior materials, requiring a Township building permit.



CITY AVENUE DISTRICT: Bala Village

LOWER MERION

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Map 5 - Bala Village

B. Use regulations. A building or group of buildings may be erected or used and a lot may be used or occupied only for the purposes listed below.

(1) Residential Uses

- (a) Townhouse Buildings.
- (b) Apartment House.
- (c) Upper story residential uses above non-residential uses.
- (d) Live/work units for artisans, professionals and service providers, provided the work area does not exceed 50% of the floor area of the dwelling unit.

- (e) Accessory uses on the same lot with and customarily incidental to any of the above permitted uses, including surface parking and parking structures.
 - (f) Any use of the same general character as any of the uses hereinbefore specifically permitted, excluding off-track betting parlors.
- (2) Non-residential Uses
- (a) Retail sales, excluding a Drive-Through Facility.
 - (b) Hotel.
 - (c) Theater.
 - (d) Full service restaurants excluding a Drive-Through Facility.
 - (e) Bakery, confectionery or custom shop for the production of articles to be sold at retail on the premises, excluding a Drive Through Facility.
 - (f) Personal service shop, including tailor, laundry, dry cleaning, (excluding on-site cleaning operations) barber, beauty salon, shoe repair or similar type use, excluding a Drive Through Facility.
 - (g) Bank or other financial institution, excluding a Drive-Through Facility.
 - (h) Transit Facilities
 - (i) Business service facilities, including copy centers and job printing operating on a retail sales level, excluding a Drive Through Facility.
 - (j) Real estate sales and travel agency.
 - (k) Business and Professional Office.
 - (l) Adult or child day care.
 - (m) Nursery school or similar non-residential use for more than six (6) children.
 - (n) Public Gathering Space, park, or plaza.

- (o) Municipal parking structure with a use exclusively limited to passenger vehicles or vehicles having a gross vehicle weight rating of no greater than 7,500 pounds.
 - (p) Accessory use on the same lot with and customarily incidental to any of the above permitted uses, including above ground or below ground parking structures and excluding Drive-Through Facilities.
 - (q) Any use of the same general character as any of the uses hereinbefore specifically permitted, but specifically excluding Off-Track Betting Parlors, slot parlors and other gaming uses.
 - (r) Storage use, as an accessory use to any permitted use provided the storage area does not occupy more than 10% of the total floor area.
- (3) Mixed-Use Building.
- (a) Uses permitted on the Ground Floor in a Mixed-Use Building shall be limited to those listed in Section 219 B (2) (a) through (i) listed above.
 - (b) Any use permitted in Section 219 B (1) or (2) above shall be permitted on upper floors of a Mixed-Use Building.

(4) Multiple-Use Development

A multiple-use development for purposes of this district shall be defined as an integrated, complementary development of two (2) or more buildings on one or more lots, provided that the lots are adjacent to and abut one another. The Multiple Use Development can be phased, and shall include both non-residential and residential occupancies as listed under 155-219B. No single use fronting on Bala Avenue or City Avenue shall occupy more than 80% of the total gross floor area of the buildings on the subject Lot(s) in a Multiple-Use Development. For purposes of calculating the use limitation above, accessory parking shall not be included.

C. Dimensional standards for development.

- (1) Building Area. The Building Area shall be limited as follows:
- (a) Single use buildings. The Building Area is limited to 70% of the net Lot Area.
 - (b) Mixed-Use Buildings or Multiple-Use Development. The Building Area is limited to 80% of the net Lot Area.

(2) Build-To-Line

- (a) The Primary Front Facade of a building in the BV on City Avenue and Bala Avenue between Union Avenue and City Avenue shall be located a minimum of 20 feet and a maximum of 25 feet from the curb line (Figure 15).

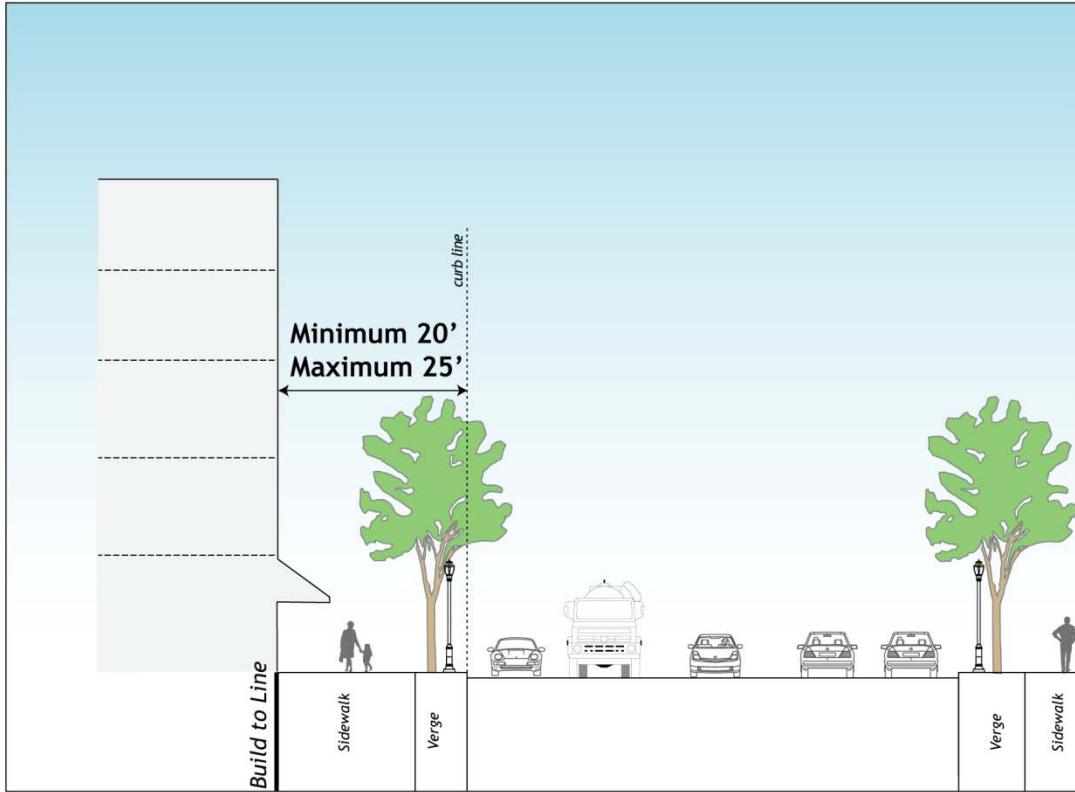


Figure 15 - Build to Line for Facades on City Avenue and Bala Avenue between Union Avenue and City Avenue

- (b) The Primary Front Facade of a building in the BV on Bala Avenue between Union Avenue and Montgomery Avenue shall be located a minimum 15 feet and a maximum of 20 feet from the curb line (Figure 16).

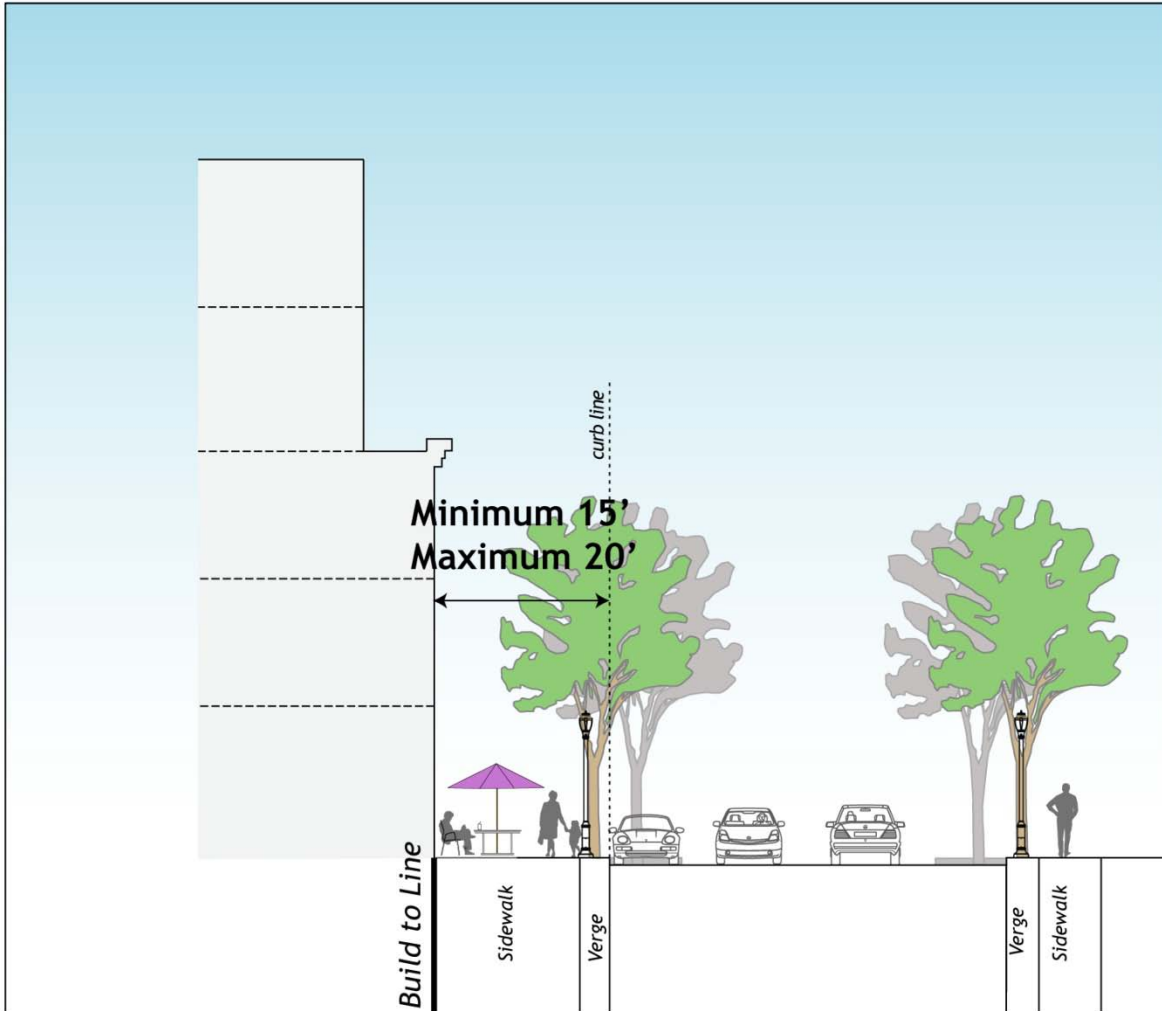


Figure 16 – Build-to-Line for Facades on Bala Avenue between Union Avenue and Montgomery Avenue

- (c) The Build-to-Line shall be measured from the curb line shown on the approved development plan.
- (d) The primary pedestrian access point to buildings shall be located on one or more Primary Front Facades, rather than on the rear or side of the building, unless approved by the Board of Commissioners by conditional use. Secondary access points may be located along other facades. In addition to the conditional use standards in §155-141.2, the following standards shall apply if the primary pedestrian access point is not located along the Primary Front Façade:

- [1] The applicant must demonstrate that the primary pedestrian access point to the buildings may not feasibly be located along the Primary Front Façade.
 - [2] The primary pedestrian access point shall be accessible by a public walkway.
 - [3] The primary pedestrian access door(s) shall meet the minimum glass requirements set forth in the Architectural Design Standards.
- (e) Parking lots, driveways, loading/unloading zones and other auto-related areas are prohibited at or in front of the building. Such access driveways shall not pass in front of the building, except as noted below:
- [1] The primary pick up and drop off area for Hotel guests.
 - [2] Transit Facilities, limited to passenger waiting areas and pick up and drop off areas.
- (f) Features such as overhangs, bays, upper floor balconies, loggias, pergolas and similar architectural features placed on the front (street facing) side of the building may extend beyond the Build-To-Line, up to three (3) feet.
- (g) The Build-To-Line may be extended as follows:
- [1] Up to 20 feet farther from the curb line if the additional area is used as outdoor dining.
 - [2] Up to 20 feet farther from the curb line where a Public Gathering Space is provided between the Build-To-Line and the building entrance, subject to compliance with §155-219E(1).
- (3) Side Yards
- (a) Minimum. Where a shared party wall exists with the adjoining property, there shall be no required side yard setback. Where a shared party wall does not exist, the minimum side yard setback shall be 10 feet and a maximum of 15 feet from the side lot line.
 - (b) The maximum dimension of the Side Yard setback may be increased up to 25 feet from side lot line, where the Side-Yard includes a vehicular driveway.

- (c) For a Lot immediately contiguous to a residential use in a residential zoning district, the Side Yard abutting the residential use shall be at least 25 feet.
- (4) Rear Yards
 - (a) When a new, expanded or redeveloped building is on a lot that backs up to a commercially zoned lot or railroad Right-Of-Way, a Rear Yard setback is not required. The Lot must comply with the minimum buffer requirements.
 - (b) When a new, expanded or redeveloped building is on a lot that backs up to a residentially zoned lot, the Rear Yard setback is twenty-five (25) feet. The Lot must also comply with the minimum buffer requirements.
- (5) Impervious Surface.
 - (a) Single-use buildings. The impervious surface is limited to 80% of the Lot.
 - (b) Mixed-use buildings or multiple-use developments. The impervious surface is limited to 90% of the Lot.
- (6) Greening Standards. The Greening Standards set forth in Chapter 135, Subdivision and Land Development at 135.41.4 shall apply.
- (7) Building Height
 - (a) The maximum height of any building along City Avenue shall be 65 feet.

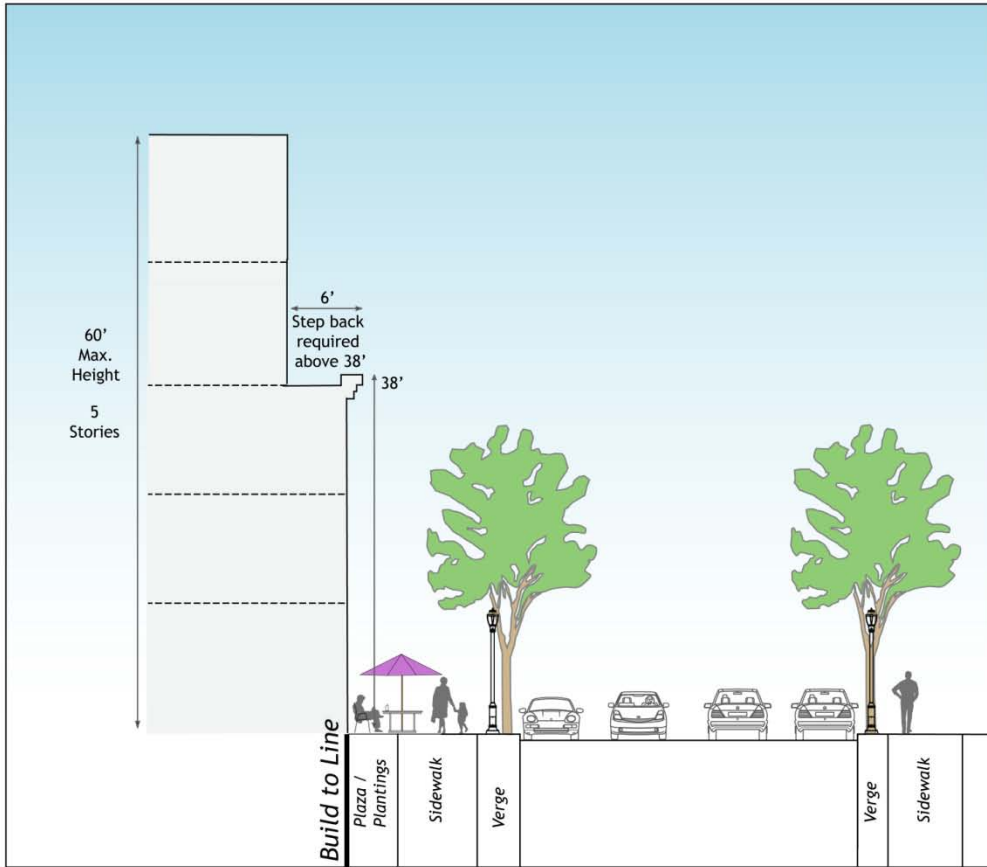


Figure 17- Building Height along Bala Avenue between North Highland Avenue and Montgomery Avenue and on all properties located between Bala Avenue and the Cynwyd Rail Line.

- (b) The maximum height of any building in the Bala Village District between North Highland Avenue and Montgomery Avenue shall be 60 feet. A minimum six-foot step back from the Primary Front Facade is required on the portion of the building above 38 feet when the building fronts on Bala Avenue (Figure 17).
- (c) The maximum height of any building located between Bala Avenue and the Cynwyd Rail Line from City Avenue to Montgomery Avenue shall be 60 feet. A minimum six-foot step back from the Primary Front Facade is required on the portion of the building above 38 feet when the building fronts on Bala Avenue (Figure 17). The maximum height of a building in this area may be increased as follows:
 - [1] The maximum height may be increased to 65 feet provided that the step back at 38 feet is increased to eight feet.

- (d) The maximum height of any building within the BV District along the westerly side of Bala Avenue between Aberdale Road and North Highland Avenue shall be 49 feet. A minimum six-foot step back from the Primary Front Facade is required on the portion of the building above 38 feet when the building fronts on Bala Avenue (Figure 18).

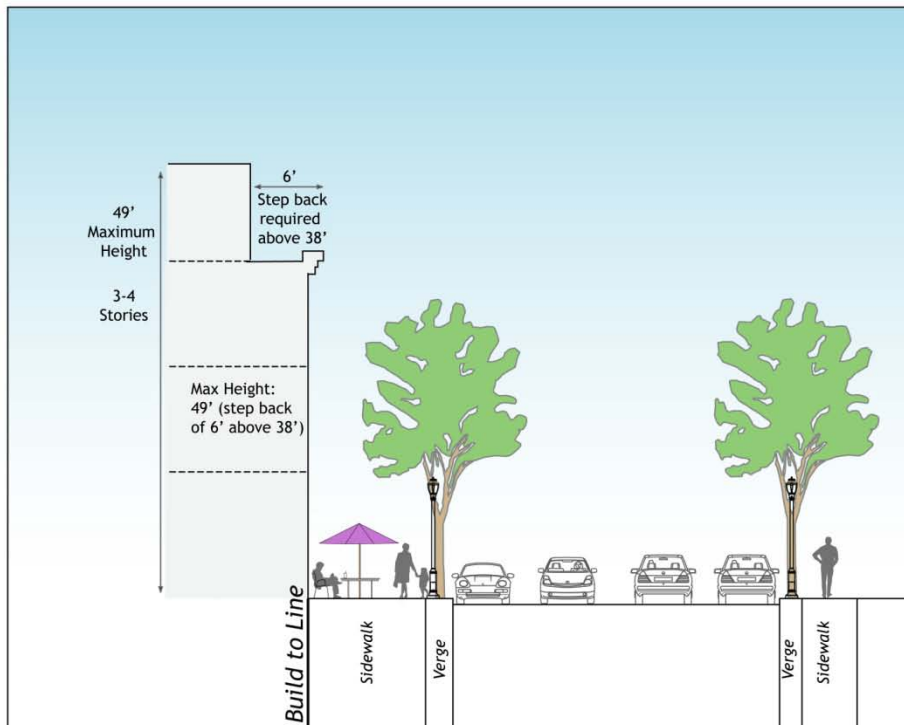


Figure 18 – Building Height along Bala Avenue between Aberdale Road and North Highland Avenue

- (8) Floor Area Ratio (FAR)
 - (a) Base FAR in the BV shall be 1.25. Total FAR with density increases as set forth in Section 219E may not exceed 2.
- (9) Buffer Area
 - (a) Where a BV commercial development abuts a residential use in a residential zoning district along a side or rear property line, there shall be a buffer area of at least twenty (20) feet.

- (b) Where a BV commercial development abuts a railroad right-of-way with a residential district on the opposite side of the railroad, there shall be a buffer area of at least ten (10) feet.
 - (c) The buffer area shall be planted with a variety of high and low level plantings. Where the required buffer is along a railroad Right-Of-Way or along a parking lot or parking structure, a wall or a fence or a similar architectural detail that satisfies the purpose of the buffer requirement may be used in addition to the plantings.
 - (d) There may not be more than one vehicular point of ingress and egress through the buffer area to any street. Such point of vehicular ingress/egress driveway shall not exceed 22 feet in width.
- D. Parking and loading requirements. The parking, service and loading, and traffic impact study requirements provided in §155-217D shall also apply in the BV, except as noted below.
- (1) In addition to the off-site parking standards in §155-217D(4)(b), off-site parking may also be provided as follows:
 - (a) If adequate on-site parking is not available, the parking requirements may be met by designating public parking spaces within 1,000 feet of the proposed use. Each public parking space may only be counted once when this parking provision is utilized. A maximum of 50 parking spaces in public parking lots may be designated under this section for new or expanded buildings. If public parking spaces are designated for dwelling units, the required parking shall be no less than one space per unit.
- E. Density Increase. The purpose of this section is to encourage the provisions 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 3 and as described in this section, subject to the provisions listed below. The density increases listed below may be cumulative.

TABLE 3: FAR Density Increase

Section	Amenity	Increase		Total Increase
		Initial Increase	OSTI*	
§155-219E(1)	Public Gathering Space (PGS)	0.15	0.05	0.2
§155-219E(2)	Residential single use or Mixed-Use where primary use is residential	0.25	0.05	0.3
§155-219E(3)	Mixed Use Building or Multiple-Use Development	NA	0.05	0.05
§155-219E(4)(a)	Underground Parking	0.5	0.05	0.55
§155-219E(4)(b)	Wrapped Parking	0.25	0.05	0.3
§155-219E(5)(a)	Transit Facility Improvements	0.05	0.05	0.1
§155-219E(6)	Historic Preservation	0.1	0.05	0.15
§155-219E(7)	OSTI*	0.2	0	0.2
§155-219E(8)	Sustainable Design (Reserved)	Reserved	Reserved	Reserved
§155-219E(9)	Affordable Housing (Reserved)	Reserved	Reserved	Reserved

*OSTI is an off-site traffic improvement

- (1) Density Increase for Public Gathering Space. If an application includes Public Gathering Space on the Lot, the allowable density may increase by an FAR of 0.15 subject to compliance with the requirements listed below. The 0.15 FAR may be increased by 0.05, to a maximum of 0.2, where the applicant installs off-site traffic improvements as determined by the Township or contributes to a City Avenue Transportation Services Area fund held by the Township in accordance with §155-219E(7)(a) through (c) below. The Public Gathering Space shall be maintained by the property owner. The amount of density increase shall be noted on the plan and recorded in the deed. No portion of the Public Gathering Space may be dedicated to a specific tenant.
 - (a) The Public Gathering Space shall be designed and located so to achieve the purpose of this subsection as stated above and shall comply with the requirements detailed in subsections (b) through (f) below.
 - (b) The maximum number of separate Public Gathering Space on any lot is two.
 - (c) Size of the Public Gathering Space. A minimum of 5% of the Lot Area shall be used as Public Gathering Space.
 - (d) Design of Public Gathering Space.

- [1] A Rain Garden shall be provided. No more than 30% of the Public Gathering Space may be devoted to a Rain Garden use.
 - [2] A minimum of 30% of the Public Gathering Space shall be landscaped with trees, shrubs, and mixed plantings with year round interest.
 - [3] The hard surface area of the Public Gathering Space shall be paving materials, such as unit pavers, paving stones, or concrete. No more than 20% of the Public Gathering Space may be concrete. If the concrete in a Public Gathering Space is stamped concrete providing the appearance of unit pavers or paving stones, the maximum area of stamped concrete shall be 30%.
 - [4] The Public Gathering Space shall not be used for parking, loading, or vehicular access.
 - [5] The area of the Public Gathering Space or the plantings within the Public Gathering Space shall not be used to demonstrate compliance with the Greening Standards.
 - [6] Public Gathering Space may include ornamental fountains, stairways, waterfalls, sculptures, arbors, trellises, planted beds, drinking fountains, benches, awnings, canopies and similar structures.
 - [7] One bicycle space shall be provided for every 300 square feet of Public Gathering Space.
- (e) Location of Public Gathering Space. The Public Gathering Space shall be located where it is visible and accessible from either a public sidewalk or pedestrian connection. The Public Gathering Space shall connect with existing or proposed Public Gathering Spaces on abutting properties, where feasible. Public Gathering Space may be located along a street and is encouraged to be located between buildings or within an Inner or Outer Court. Location of a Public Gathering Space adjacent to a parking lot is discouraged.
- (f) The design and size of the Public Gathering Spaces may be modified, subject to conditional use approval from the Board of Commissioners. In addition to the conditional use standards in §155-141.2, the following standards apply:

- [1] Where a children's play area consisting of playground equipment and/or spray fountains is provided the minimum area devoted to landscaping and Rain Gardens may be reduced by up to 30%.
- (2) 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 a FAR of 0.25.
- (b) The allowable density may be increased by an additional FAR of 0.05 up to a total FAR of 0.30 where the applicant installs off-site traffic improvements as determined by the Township or contributes to a City Avenue Transportation Services Area fund held by the Township in accordance with §155-219E(7)(a) through (c) below.
- (3) 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 as determined by the Township or contributes to a City Avenue Transportation Services Area fund held by the Township in accordance with §155-219E(7)(a) through (c) below.
- (4) Density Increase for Underground and/or Wrapped Parking Structures.
- (a) Underground Parking Structure. The allowable density may be increased by a FAR of 0.5 for a development where parking is underground.
- [1] The allowable density may be increased by an additional FAR of 0.05 to a total FAR of 0.55 where the applicant installs off site traffic improvements as determined by the Township or contributes to a City Avenue Transportation Services Area fund held by the Township in accordance with §155-219E(7)(a) through (c) below.
- (b) Wrapped Parking Structure. The allowable density may be increased by up to a FAR of 0.25 for a development where a minimum of 75% of the façade of the Parking Structure facing a Street is positioned behind a building with an active use complying with the Development Design Standards in §155-219(F). Such active uses may be either directly attached to the Parking Structure, or separated by an interior court or service lane.

- [1] The allowable density may be increased by an additional FAR of 0.05 to a total FAR of 0.30 where the applicant installs off-site traffic improvements as determined by the Township or contributes to a City Avenue Transportation Services Area fund held by the Township in accordance with §155-219E(7)(a) through (c) below.
- (c) Where the required parking is split between a wrapped Parking Structure, an underground Parking Structure and surface parking, this density increase shall be pro-rated based on the percentage of the required parking in the underground Parking Structure and the wrapped Parking Structure.
- (5) Density Increase for Transit Facility improvements. The applicant must submit documentation from the appropriate transit authority approving the design and location of the transit improvements to attain the increases listed below.
 - (a) The allowable density may be increased by up to a FAR of 0.05 for a development where accommodations to encourage mass transit are provided. Such accommodations include the construction of new bus shelters along a public roadway and/or the installation of electronic mass transit schedule boards.
 - [1] The allowable density may be increased by an additional FAR of 0.05 to a total FAR of 0.1 where the applicant installs off-site traffic improvements as determined by the Township or contributes to a City Avenue Transportation Services Area fund held by the Township in accordance with §155-219E(7)(a) through (c) below.
- (6) Density Increase for Historic Preservation. The allowable density may be increased by up to a FAR of 0.1 for a development where a resource listed on the Township Historic Resource Inventory is preserved or renovated in compliance with the Secretary of the Interior's Standards.
 - (a) The allowable density may be increased by an additional FAR of .05 to a total FAR of 0.15 where the applicant installs off-site traffic improvements as determined by the Township or contributes to a City Avenue Transportation Services Area fund held by the Township in accordance with §155-219E(7)(a) through (c) below.
- (7) Density Increase for off-site traffic improvements. The allowable density may be increased by a FAR of up to 0.2 for a development where the applicant installs off-site traffic improvements as determined by the

Township or contributes to a City Avenue Transportation Services Area fund held by the Township subject to the following provisions:

- (a) Roadway improvements shall comply with the 2010 Transportation Capital Improvements Plan prepared for the City Avenue Transportation Services Area. The Township may also authorize improvement of intersections or roadways outside the district that are impacted by the proposed development.
 - [1] When the applicant is installing the roadway improvement the Township Engineer shall determine the scope of the roadway improvements installed.
 - [2] Construction cost estimates demonstrating compliance with section (c) below shall be provided by the applicant and approved by the Township Engineer.
- (b) When a fee-in-lieu of the improvements is made, the funds shall be administered in accordance with the provisions established in §135-66 of the Subdivision and Land Development Code.
- (c) The cost of the improvements shall be calculated as noted below:
 - [1] The off-site traffic improvements or payment in-lieu shall equal \$1.65 per square foot generated by the total additional floor area constructed under §155-219E (1) through (6).
- (8) Sustainable Design. (*Reserved*)
- (9) Affordable Housing. (*Reserved*)

F. Development Design Standards

- (1) Purpose and applicability
 - (a) The purpose of this section is to require pedestrian oriented buildings and to require building entrances to be oriented toward the streets, sidewalks and/or public access ways. Windows must facilitate views into and out of buildings. Requirements for orientation and primary entrances are intended to:
 - [1] Provide for convenient, direct and accessible pedestrian access to and from public sidewalks, and transit facilities
 - [2] Provide a safe, efficient and enjoyable pedestrian experience by connecting buildings in the BV; and

- [3] Promote use of pedestrian and transit modes of transportation.
- (b) New, expanded and renovated (exterior only) buildings may be either traditional in their architectural character or be a contemporary expression of traditional styles and forms, respecting the scale, proportion, character and materials of structures within the Bala Cynwyd area of Lower Merion.
- (c) All new and expanded buildings, and rehabilitated buildings, where such rehabilitation is equal to or exceeds 50% of the existing area of the building, shall comply with the Development Design Standards in Sections 155-219.F.(2) through (4) below. Properties listed on the Lower Merion Township Historic Resource Inventory shall, in the alternative, be subject to the Secretary of the Interior's Standards if the Development Design Standards conflict with the Secretary of the Interior's Standards. In such case, the Secretary of the Interior's Standards shall apply.
- (2) Compliance. A design manual shall be submitted in conjunction with a development or permit application demonstrating how the development will comply with the development design standards. The design manual shall include samples and at least two copies of the following items:
 - (a) Site plan drawn to scale;
 - (b) Building elevations drawn to scale;
 - (c) Colored rendering;
 - (d) Landscape plan; and
 - (e) Current photographs of the site.
- (3) Building Orientation and Primary Entrance
 - (a) Building Access
 - [1] Buildings shall be designed with windows, public access points and signage facing the street and sidewalk.
 - [2] Primary building entrances shall be articulated and visible from the street.

- [3] Driveways, parking areas and traffic circulation patterns shall be designed as shared facilities whenever feasible. The design of these elements shall create a unified site plan between the lots. The goal is to gain parking efficiencies, reduce the number of access points crossing pedestrian pathways and improve internal vehicular circulation patterns and external access into the site.
 - [4] If a single lot is redeveloped, any new vehicular access point shall be located on a side lot line and shared with adjacent lots, where feasible.
- (4) Architectural Design Standards. (Note: Appendix to be included in future amendments.). The architectural design standards have been incorporated into this district to ensure that the character of new buildings relates to the scale and character of the existing commercial buildings and creates a pedestrian-friendly environment.
- (a) Buildings With Active Uses, Including “Wrapped” Garages
 - [1] The visual mass of all buildings shall be de-emphasized through the use of architectural and landscape elements including form, architectural features and materials, to reduce their apparent bulk and volume, to enhance visual quality and contribute to human scale development.
 - [2] The ground floor of the primary front facade shall contain a minimum of 60% clear windows and doors. Smoked, reflective, tinted or black glass in windows is prohibited. Glass shall have a minimum light transmittance of .75.
 - (i) Required window areas must be either windows that allow views into work areas or lobbies, pedestrian entrances or merchandise display windows.
 - [3] Any ground floor walls with less than 25% of clear windows shall be articulated by two or more of the following:
 - (i) articulation of the facade plane, and/or changes in materials;
 - (ii) if the building is occupied by a commercial use, display window cases;

- (iii) for above ground parking garages, by landscaping or screening of openings such that the majority of the view of the interior is obstructed.
- [4] Second story and above of primary front facades, shall contain a minimum of 20% of the facade as clear windows. Glazing shall have a minimum light transmittance of .75.
- [5] Exterior wall materials shall be durable high-quality materials and may include brick, stone, stucco, and wood. Cement fiber siding on any portion of a building over 3-stories or 38' in height, whichever is less, vinyl and aluminum siding, and T-111 or other similar plywood siding is prohibited. Except on side or rear walls, not visible from any public way, concrete block shall be prohibited.
- [6] All roof-top mechanical equipment, including antennas, shall be screened visually and acoustically. Such screening shall be integral to the architectural design of the building.
- [7] Grade level exterior doors that swing onto a public walkway that is less than six (6) feet wide, shall be set into the building to avoid conflict with pedestrians.
- [8] A wrapped parking structure shall include a development where a minimum of 75% of the façade of the perimeter of the Parking Structure facing a Street is positioned behind a building with an active use.
- (b) Vertical Articulation. The massing of all buildings shall be de-emphasized through vertical articulation, such as the use of projecting and recessed elements, including porches, bay windows, balconies and roof dormers to reduce overall bulk and volume, enhance visual quality and contribute to human-scale development. The depth of such articulation shall be a minimum of 2'-0". Such vertical articulation shall occur at a minimum 50' interval.
- (c) Horizontal Articulation. The massing of all buildings shall be de-emphasized through the use of horizontal articulation, including articulation of the line between the ground floor and upper levels, with a cornice, arcade, canopy, and other visual device.
- (d) The Board of Commissioners may, by conditional use, approve the use of architectural concepts, designs and materials which differ from those set forth above, if the applicant demonstrates to the

satisfaction of the Board that such concepts and designs are in furtherance of the legislative intent of this article and of this subsection.

- (e) Public walkways shall:
 - [1] Be constructed of brick, concrete pavers, stone, exposed aggregate concrete or integral colored concrete.
 - [2] Have a minimum unobstructed width of eight (8) feet not including a four (4) foot hard landscaped strip to be maintained by the property owner at the curb line. The four (4) foot strip at the curb line shall be paved with unit pavers or similar decorative materials.
 - [3] Create a completely linked network of walkways connecting transit stops, commercial centers, institutional facilities and residential uses including parks and other open space areas.
 - [4] Permit outdoor seating for food and drink establishments and pedestrian-oriented accessory uses and other appropriate street furniture, including sales display for flowers, small shops, and food or drink stands in the area between the Build-to-Line and public walkway provided the minimum unobstructed walkway is maintained.

G. Signs in the BV. In the BV, the regulations of Article XIX shall apply except where otherwise specifically provided for in this section. These regulations are intended to facilitate the commercial success of retail tenants and ensure signage solutions that will contribute to a vibrant pedestrian environment. The following signage standards shall apply:

- (1) Maximum Signage Square Footage
 - (a) The total area of all flush mounted and awning signage for each building tenant shall not exceed one (1) square foot for each foot of lineal building frontage.
 - (b) The height of the letters on the signage shall be limited to twelve inches.
 - (c) Any lot of a width of less than 25 feet at the street line may use the lot width at the building line for calculating the maximum signage permitted under this section.

- (2) Fabrication Techniques
- (a) Installation must not damage or require removal of historic materials, and must be done in a manner such that signs can be removed without harm to the masonry or architectural detailing.
 - (b) No exposed conduit, tubing, or raceways will be permitted.
 - (c) All conductors, transformers, ballasts, and other equipment shall be concealed.
 - (d) All attachment hardware, bolts, and clips shall be of corrosion resistant materials, to prevent staining of building surfaces.
 - (e) Formed plastic, injection-molded, or easily damaged signage materials are not permitted.
 - (f) Location of all openings for conduit and sleeves in sign panels of building shall be indicated by the sign contractor on drawings submitted to the Township.
 - (g) Installation shall be in accordance with the approved drawings.
 - (h) No sign-makers' labels or other identification will be permitted on the exposed surface of signs, except those required by local ordinance which shall be located inconspicuously.
 - (i) Cinemas and libraries are allowed to have digital/electronic or changeable letter signs.
 - (j) All sign lighting must comply with the energy code adopted under the Pennsylvania Uniform Construction Code.
- (3) Prohibited Signs and Conditions. The following signs are not permitted:
- (a) Backlit or internally illuminated awnings.
 - (b) Translucent internally illuminated sign faces with a backlit background.
- (4) Flush-mounted Signage. Letters or marks mounted parallel to the building's facade that are either mounted as individual letters, or contained in a signed panel. The following standards shall apply:
- (a) Maximum area of sign: Thirty (30) square feet per sign.

- (b) Number of signs: One per tenant per street front. Where a corner storefront faces both a street and a parking lot, a second sign is permitted to face the parking lot.
 - (c) Mounting height: 20-foot maximum provided it is below the sill line of the second floor windows or the lowest point of the roof, whichever is less. A flush mounted sign is permitted to exceed this height limit, if the following condition exists:
 - [1] Where there is a second floor commercial tenant that does not also occupy the first floor, all signs must be located below the cornice line, or in the case of a flat roof, below the roof parapet.
 - (d) Depth of sign: Wall signs must not project more than twelve (12) inches from the building wall.
 - (e) Method of illumination shall include:
 - [1] Natural lighting;
 - [2] Exterior lighting, lit from above;
 - [3] Halo-lit or backlit letters.
- (5) Blade and Shingle Signage. A shingle sign is mounted perpendicular to a building's facade, is typically suspended beneath an armature, and is able to swing from the axis of the pole. A blade sign is typically mounted directly to the building facade using a rigid mounting bracket. The following standards shall apply:
- (a) Maximum area of sign: Twenty (20) square feet.
 - (b) Number of signs: One (1) per ground floor establishment, plus one (1) for any public building entrance not serving a ground floor establishment. All signs shall be centered within architectural elements.
 - (c) Mounting height: 20 foot maximum provided it is below the sill line of the second floor windows or the lowest point of the roof, whichever is less, and does not have less than 10 feet of vertical clearance above grade or sidewalk.
 - (d) Maximum Projection From Building Face: 5 feet.

- (6) Banner Signage. Fabric or rigid material mounted with use of poles, typically oriented perpendicular to structure facade.
 - (a) Area of banner: Less than or equal to 25 square feet.
 - (b) Banners shall be spaced no closer than 20 feet apart, and centered within architectural elements.
 - (c) Projection: Banners shall not project more than three (3) feet into the public right-of-way. Such banners shall not project into the cartway and shall be located a minimum of 2 feet 6 inches from the face of the curb.
 - (d) Mounting height: Bottom of banners shall be mounted at least 14 feet above grade or sidewalk to avoid intrusion into Blade Sign or Awning Zone, and not to extend beyond the third story of the structure.
 - (e) Only one banner sign is permitted per property.
- (7) Freestanding Signs
 - (a) Freestanding signs existing as of (the adoption date) may be replaced, except for change of use.
 - (b) The replacement sign must be a monument sign with a maximum height of eight feet unless it can be demonstrated that a higher sign is required to avoid a site obstruction that would create an unsafe condition.
- (8) Awnings and Canopies. Awnings and canopies are roof-like structures, above storefront windows or entries, sometimes containing a mark or signature of a tenant. The following standards shall apply:
 - (a) Length: Awnings and canopies shall not exceed 20 feet in horizontal length and be centered within architectural elements, such as doors or columns.
 - (b) Projection: Awnings and canopies shall not project more than five (5) feet into the public right-of-way, except where located above a main building or store entrance facing a public sidewalk, in which case the maximum projection shall not exceed 10 feet'. All awnings and canopies must be a minimum of three (3) feet from the curb line.

- (c) Mounting Height: The bottom of awnings and canopies shall be at least eight (8) feet above grade or sidewalk, except in the case of a movable valance which may be seven (7) feet above grade or sidewalk.
 - (d) Illumination: Natural lighting only; backlit awnings are not permitted.
 - (e) Design: On multi-tenant facades, awning heights, projections and style of awning shall be similar. Logo or tenant mark shall be limited to the valance of an awning, or the front plane of the canopy.
 - (f) Fabrication: Awnings and canopies shall be made of fire resistant canvas.
 - (g) All ground floor awnings and canopies or those that project into a street right-of-way must be retractable.
 - (h) Fixed awnings may be used above the ground floor provided that they project no more than four (4) feet maximum.
- (9) Wall Plaques. Wall plaques are small, pedestrian-oriented informative signs that may convey information such as hours of operation or take the form of directories, menu cases, or convey historical building information. The following standards shall apply:
- (a) Area of Sign: Up to six (6) square feet in area, not projecting more than three (3) inches from a building wall.
 - (b) Number of Signs: Two (2) per usable entry.
 - (c) Mounting Height: Five (5) feet on center above grade or sidewalk.
 - (d) Illumination: Natural lighting only is permitted, except for halo lit or backlit letters.
- (10) Permanent Storefront Window Graphics. These are permanent window graphics with the tenant's mark or hours of operation. The following standards shall apply:
- (a) Area: Window signs shall not obscure the interior view of a retail establishment, and shall be no greater than 10% of the available window space.

H. Utilities

- (1) All new electric, telephone and cable lines and building services, shall be underground or new developments and additions.

Section 4. 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 5. 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 6. 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 17th day of September, 2014.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF LOWER MERION

Elizabeth S. Rogan, President

ATTEST:

Jody L. Kelley, Secretary