

L M T
Zoning Code

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ARTICLE 1 DRAFT

JUNE 28, 2019

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ARTICLE 1: INTRODUCTION

155-1.1 INTRODUCTION

1.1.1 Purpose and Goals

1.1.1.a. The Lower Merion Township Zoning Code is Chapter 155 in the Code of the Township of Lower Merion Township ~~Codes~~. The purpose of the Zoning Code is to promote the public health, safety, morals, convenience, comfort, amenities, prosperity, and general welfare of the Township, and to provide a wholesome, serviceable, and attractive community, including without limitation protection of the environment; conservation of land, energy and natural resources; improved mobility; more efficient use of public funds; greater health benefits of a pedestrian environment; preservation of historic and cultural resources; provision of recreational and open spaces; and improvement of the built environment and human habitat by furthering the goals of the Comprehensive Plan.

1.1.1.b. The Zoning Code integrates the Township's general goals to retain its suburban small town and historically rural character, and preserve the unique beauty of its natural and built environment, while allowing the continuing evolution of its valued institutions, and commercial centers and corridors. Intended to advance the interests of both conservation and development, the Code responds to the existing conditions of the Township, including its regional context, natural features, historical development, infrastructure and buildings, and supports the Vision, Guiding Principles and Community Development Objectives in the January 2016 Comprehensive Plan for the Preservation, Infill and Redevelopment of Lower Merion Township, summarized as follows:

- 1.1.1.b.i. Preserve and enhance the Township's unique character and high quality of life for all residents.
- 1.1.1.b.ii. Guide future land development to ensure compatibility in mass, scale, intensity and use, with appropriate transitions between different uses. ~~difference~~
- 1.1.1.b.iii. Provide high quality and accessible community facilities and public space for civic purposes.
- 1.1.1.b.iv. Maintain vitality and diversity of institutions, recognizing their value as community resources and balancing their needs with those of surrounding neighborhoods.
- 1.1.1.b.v. Continue to provide a safe, convenient and efficient multi-modal transportation system.
- 1.1.1.b.vi. Achieve a sound economic base that preserves property values, and a high standard of municipal services and infrastructure maintenance, without undue tax burden.
- 1.1.1.b.vii. Enhance commercial activities in core areas to increase employment and serve resident needs.
- 1.1.1.b.viii. Preserve natural, cultural and historical resources.
- 1.1.1.b.ix. Preserve and enhance critical environmental areas.
- 1.1.1.b.x. Maintain a diverse population with equal opportunity for quality housing.
- 1.1.1.b.xi. Promote public participation in civic engagement.
- 1.1.1.b.xii. Strengthen regional services and conservation.

1.1.2 Applicability and Interpretation

1.1.2.a. The provisions of this chapter apply to all property, structures and uses located with the Township, unless noted otherwise in this section. No property, building, ~~or~~ structure or part thereof shall be developed except in conformance with the district in which it is located and with all applicable regulations included in this chapter.

1.1.2.b. In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare of the Township.

1.1.3 Chapter Organization

- 1.1.3.a. The Zoning Code is organized in a series of Articles that are interrelated and apply to different aspects of development. ~~It also adopts the official Zoning Atlas that designates zoning Districts for all land within the Township.~~
- 1.1.3.b. The Articles are organized as follows:
- 1.1.3.b.i. **"Article 1: Introduction"** Provides information on the framework of the code including its purpose, intent and goals, as well as applicability, district descriptions and relation to the Zoning Map.
- 1.1.3.b.ii. **"Article 2: Definitions"** Defines key terms in the code ~~in three sections: Definition of Uses, Definition of Terms, and Definition of Signs.~~
- 1.1.3.b.iii. **"Article 3: General to Districts"** Contains the information that applies across zoning districts, such as terminology, ~~setbacks~~ lot occupation, frontage types, building height, and architecture controls, ~~which have been aggregated here to reduce repetition in subsequent Articles.~~
- 1.1.3.b.iv. **"Article 4: District Specific Standards"** Contains the information specific to each zoning district ~~including lots and building placement and building configuration, according to applicability, lots and building placement, building configuration, Use and density, Access and Parking, Architecture Standards, Landscape Standards, and Ambience Standards. Article 4 also includes the standards and tables that illustrate the form components of the code.~~
- 1.1.3.b.v. **"Article 5: Uses"** Establishes uses allowed in each zoning district and additional use ~~restrictions regulations provisions~~ provisions for conditional uses, ~~and special exceptions, and regulated uses. Article 5 also includes tables which facilitate the navigation of allowable uses and their supplemental regulations.~~
- 1.1.3.b.vi. **"Article 6: Special Districts"** Includes ~~five~~ special districts that are geographically defined and mapped. Each district has regulations specific to its area that have been ~~defined~~ established through public planning processes. These include: Bryn Mawr Village (BMV 1,2,3,4), Medical Center (MC), Bryn Mawr Medical District (BMMD1,2,3), Rock Hill Road District (RHR), City Avenue District (CAD) which includes: Regional Center Area (RCA), Bala Cynwyd Retail District (BCR), and Bala Village (BV).
- 1.1.3.b.vii. **"Article 7: Conservation & Preservation Overlays"** Includes additional regulations within ~~five~~ overlay districts that apply across the Township including: Historic Resource Overlay District, Open Space Preservation Overlay District, Floodplain Overlay District, Steep Slopes Overlay District and Wooded Lot ~~Tree Canopy and Heritage Tree Conservation~~ Overlay District.
- 1.1.3.b.viii. **"Article 8: Parking Standards"** Includes the standards and the distribution of parking quantity in relation to zoning district uses, and access and loading regulations.
- 1.1.3.b.ix. **"Article 9: Sign Standards"** Sets forth the regulations that apply to signs ~~related to specific districts and uses.~~
- 1.1.3.b.x. **"Article 10: Supplemental Use & Nonconforming Regulations"** Includes ~~Aggregates~~ Aggregates the additional regulations that apply to certain uses as identified in Article 5 ~~such as continuing care facilities, medical marijuana processing, mandated emergency service and alternative housing for the elderly.~~
- 1.1.3.b.xi. **"Article 11: Process & Procedures"** Sets out the rules for applying the code, including processes for zoning administration and amendments, ~~approvals, and addresses potential changes to the regulations for development projects. This includes reference to nonconforming uses, structures, and lots; review boards, amendments, violations, penalties, remedies and changes.~~

1.1.4 Classes of Districts

- 1.1.4.a. For the purposes of this chapter, the Township is hereby divided into ~~27~~ ~~19~~ ~~20~~ districts, designated as follows:
- 1.1.4.a.i. Lower Density Residential Districts: LDR1, LDR2, LDR3 and LDR4
 - 1.1.4.a.ii. Medium Density Residential Districts: MDR1, MDR2 and MDR3
 - 1.1.4.a.iii. Village Center District: VC
 - 1.1.4.a.iv. Town Center Districts: TC1 and TC2
 - 1.1.4.a.v. ~~Regional Center districts: RC [RESERVED] RESERVED.~~
 - 1.1.4.a.vi. Institutional Districts: IN, IC, IE and IH
 - 1.1.4.a.vii. Light Industrial District: LI
 - 1.1.4.a.viii. Special Districts: ~~SD1, SD2, SD3, SD4 and SD5~~
 - 1.1.4.a.viii.(1). Medical Center District (MC)
 - 1.1.4.a.viii.(2). Bryn Mawr Medical District (BMMD): BMMD1, BMMD2, and BMMD3;
 - 1.1.4.a.viii.(3). Rock Hill Road District (RHR);
 - 1.1.4.a.viii.(4). Bryn Mawr Village District (BMVD): BMV1, BMV2, BMV3, and BMV4;
 - 1.1.4.a.viii.(5). City Avenue District (CAD) : RCA (Regional Center Area), BCR (Bala Cynwyd Retail District), and BV (Bala Village District).
- 1.1.4.b. In addition, one or more of these districts may by subject to additional regulations of an overlay district. There are ~~five~~ ~~are~~ ~~five~~ overlay districts in the Township; are designated as follows:
- 1.1.4.b.i. Historic Resource Overlay District
 - 1.1.4.b.ii. Open Space Preservation Overlay District
 - 1.1.4.b.iii. Floodplain Overlay District
 - 1.1.4.b.iv. Steep Slopes Overlay District
 - 1.1.4.b.v. ~~Tree Canopy and Heritage Tree Conservation~~ Wooded Lot Overlay District

1.1.5 Districts, Described

- 1.1.5.a. Low Density Residential: LDR is a low density and single-family residential district, intended to preserve the existing character of its open spaces and architecture. ~~Specific residential building types permitted in each district are according to "Table 4.1 Building Types".~~ LDR includes the following districts:
- 1.1.5.a.i. LDR1: Low Density Residential: LDR1 is a low intensity district intended for detached single-family residential homes and the preservation of the existing estate character. ~~It is intended for use at the edge of neighborhoods, near natural areas embedded in development, and areas where a regular block structure is difficult to achieve.~~
 - 1.1.5.a.ii. LDR2: Low Density Residential: LDR2 is a low intensity district intended for detached single-family residential homes and the preservation of the existing suburban neighborhood character.
 - 1.1.5.a.iii. LDR3: Low Density Residential: LDR3 is a low intensity district intended for detached single-family residential homes and the preservation of the existing neighborhood character.
 - 1.1.5.a.iv. LDR4: Low Density Residential: LDR4 is a low intensity district intended for detached single-family residential homes and the preservation of the existing neighborhood character.
- 1.1.5.b. Medium Density Residential: MDR is a walkable medium density residential district containing a variety of housing types oriented around multimodal transit, intended to allow its evolution while preserving the existing character of its open spaces and historic architecture. ~~Specific residential building types permitted in each district are according to "Table 4.1 Building Types".~~ MDR includes the following districts:
- 1.1.5.b.i. MDR1: Medium Density Residential: MDR1 is a medium intensity residential district including detached, single-family residential homes (detached), twins, and duplexes, and quads.

- 1.1.5.b.ii. MDR2: Medium Density Residential: MDR2 is a medium intensity residential district including ~~detached, single-family residential homes (detached), twins, duplexes, quads, rowhouses, and small multi-family buildings and rowhouses.~~ MDR2 is generally intended for use near the edges of neighborhoods and provide a transition to commercial areas.
- 1.1.5.b.iii. MDR3: Medium Density Residential: MDR3 is a medium to high intensity residential district including ~~detached, single-family residential homes (detached), twins, duplexes, quads, rowhouses, small multi-family buildings, rowhouses, and large multi-family buildings.~~ MDR3 is generally intended for use near the edges of neighborhoods and provide a transition to commercial areas.
- 1.1.5.c. Village Center: VC is a compact, mixed-use, low intensity, walkable area that serves the immediate residential neighborhood, which are compact, and mixed-use. They are intended to establish neighborhood centers. The zone is characterized by small scale office buildings, mixed-use buildings, local retail and services.
- 1.1.5.d. Town Center: TC is a medium intensity, principally walkable area that serves the entire Township along corridors and ~~traditional and neighborhood~~ main streets. The zone is characterized by low to mid-rise, free-standing and attached commercial buildings, mixed-use buildings, ~~hotels, institutions, and~~ multi-family, as well as grocery stores, retailers, ~~and~~ service providers, and food service establishments. TC includes the following districts:
- 1.1.5.d.i. TC1: Town Center: TC1 is a medium intensity, ~~mostly~~ walkable area that serves the entire Township along commercial corridors and between traditional and neighborhood main streets. ~~It may include buildings set back from the edge of the sidewalk.~~
- 1.1.5.d.ii. TC2: Town Center: TC2 is a medium intensity, walkable area located along commercial corridors that serves the entire Township and accommodates larger scale commercial and multiple use shopping center. ~~along traditional and neighborhood main streets.~~
- 1.1.5.e. Regional Center: RC [RESERVED] is a high intensity, walkable area along City Avenue, that serves the region intended to establish a mixed-use corridor. The zone is characterized by mid-rise commercial buildings, mixed-use buildings, hotels, and multi-family buildings. RESERVED.
- 1.1.5.f. Light Industrial District: LI is a light industrial area, ~~principally~~ located along the Schuylkill River, that ~~contains~~ permits light industrial uses, as well as limited commercial uses, and multi-family buildings. The intent of the LI District is to allow development which preserves and enhances sensitive natural features, historic industrial heritage, connection to the regional trail network and public transportation access.
- 1.1.5.g. Institutional Districts are intended for ~~private and public~~ institutions and large natural and open space preserves. There are four categories that correspond to the variety of activities and range of impacts that might be expected of each.
- 1.1.5.g.i. ~~IN~~-Institutional Natural and Open Space Preserve (IN): IN is intended to collectively define sites and buildings ~~operated by the private or public sectors for two three~~ types of Uses: cemeteries, golf clubs, and environmental and open space preserves.
- 1.1.5.g.ii. ~~IC~~-Institutional Civic (IC): IC is intended to collectively define ~~community~~ communally beneficial land uses, ~~including but not limited to such as~~ organizations dedicated to the arts and culture, active recreation, social and religious ~~gathering use,~~ senior housing, wellness and recreation.
- 1.1.5.g.iii. ~~IE~~-Institutional Education (IE): IE is intended to collectively define sites or buildings operated ~~by the private or public sectors~~ for the provision of full-time or part-time educational services for students of all ages.
- 1.1.5.g.iv. ~~IH~~-Health Institutional Housing (IH): IH is intended to collectively define sites or buildings operated ~~by the private or public sectors~~ for the provision of housing and health ~~care services for the elderly and disabled and long-term~~ care for the elderly and people with disabilities.

- 1.1.5.h. Special Districts are intended to accommodate development with unique requirements related to specific uses or goals of those districts that have been deemed in the interest of the public health, safety and welfare of the Township's the residents. ~~There are five Special districts include:~~ categories that correspond to the variety of activities and range of impacts that might be expected of each.
- 1.1.5.h.i. ~~SD1 – MC:~~ Medical Center District (MC): MC is a limited service area around the ~~Lankenau existing regional~~ hospital, dedicated to primary health services and the supporting uses associated with it. ~~Residential uses not directly associated with the hospital are not permitted.~~
- 1.1.5.h.ii. ~~SD2 – BMMD:~~ Bryn Mawr Medical District (BMMD): BMMD is a limited area around the Bryn Mawr hospital, dedicated to primary health services and the supporting uses associated with it. A limited range of residential buildings and commercial uses are permitted.
- 1.1.5.h.iii. ~~SD3 – RHR:~~ Rock Hill Road District (RHR): RHR is a limited area designated to encourage medium intensity, mixed-use development that can act as an economically dynamic, attractive gateway to Lower Merion Township.
- 1.1.5.h.iv. ~~SD4 – BMV:~~ Bryn Mawr Village District (BMV): BMV is a limited area intended to provide pedestrian-oriented, low to medium mixed use development in an established commercial area.
- 1.1.5.h.v. ~~SD5 – CAD:~~ City Avenue District (CAD): CAD is a limited area intended to provide pedestrian-oriented, medium to high mixed use development along City Avenue and Bala Avenue functionally integrated with multi-modal transportation.

1.1.6 Zoning Maps

- 1.1.6.a. The boundaries of districts shall be shown upon the maps attached to and made a part of this chapter, which shall be designated "Zoning Maps." The maps and all the notations, references and other data shown thereon are incorporated by reference in this chapter and shall be as much a part of this chapter as if all were fully described herein.
- 1.1.6.b. The current zoning maps are available by:
- 1.1.6.b.i. Visiting the Township's website: [www.lowermerion.org]
- 1.1.6.b.ii. Visiting the Building and Planning Department or the Township Secretary at the Township Administration Building, TAB, 75 E. Lancaster Avenue, Ardmore; and
- 1.1.6.b.iii. Visiting any of the Lower Merion Library Branches.

1.1.7 District Boundaries

- 1.1.7.a. The boundaries between districts are, unless otherwise indicated, either the property line, center lines of streets or railroad rights-of-way or such lines extended or lines parallel thereto. Where figures are shown on the Zoning Maps between a street and a district boundary line, they indicate that the district boundary line runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated.
- 1.1.7.b. Where boundaries occur within a parcel of land comprising more than one lot, the lots shall be developed separately according to the assigned District.

1.1.8 Conflicts

- 1.1.8.a. It is not intended by this chapter to interfere with or abrogate or annul any Building Code in effect or any rules, regulations or permits previously adopted or issued thereunder, or the rules and regulations of the Board of Health of the Township of Lower Merion or any rules, regulations or permits previously adopted or issued thereunder and not in conflict with any of the provisions of this chapter, provided that where this chapter imposes a greater ~~restriction~~ regulation upon the use of buildings or premises or upon the height of a building or requires larger open spaces than are imposed or required by such code, rules, regulations or permits, the provisions of this chapter shall control.
- 1.1.8.b. In the event conflicts arise between a definition in this chapter and definitions in existing local or county codes, the definitions in this chapter shall prevail.

1.1.9 Exemptions

- 1.1.9.a. Whenever federal- or state-owned property is included in one or more zoning districts, it shall be subject to the provisions of this chapter only insofar as permitted by the Constitution and laws of the United States of America and of the Commonwealth of Pennsylvania.
- 1.1.9.b. The provisions of this chapter shall not apply to land and buildings owned by Lower Merion Township and used for its governmental purposes.
- 1.1.9.c. Public utility corporations. This chapter shall not apply to any existing or proposed building or extensions used or to be used by public utility corporations if, upon petition of the corporation, the Public Utility Commission shall after a public hearing decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.