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Zoning Code

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ARTICLE 2 DRAFT
JUNE 28, 2019

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ARTICLE 2: DEFINITIONS

155-2.1 DEFINITION OF TERMS

A-Frame sign: A type of freestanding, portable sign consisting of two faces connected and hinged at the top and whose message is targeted to pedestrians (also known as an sandwich board sign).

Abandoned Sign: A sign which has not identified or advertised a current business, service, owner, product, or activity for a period of at least 6 months.

Abutting: To be ~~contiguous with~~ adjacent to or joined at a border or boundary. Abutting properties include properties across a street or alley, or a railroad right of way.

Accessory Building: A habitable building separate from and subordinate to the principal building on a lot and used for purposes incidental to those of the principal building, including the storage of vehicles.

Accessory Dwelling Unit: A Dwelling Unit sharing a Lot with a Principal Building, that may or may not be in a separate structure, excluding a mobile home.

Accessory Structure: A non-habitable structure separate from and subordinate to the principal building on a lot and used for purposes incidental to those of the principal building.

Accessory Use: A use subordinate to the principal use of land or of a building on a lot and customarily incidental thereto.

Accessway: A formalized path, walkway or other physical connection that allows pedestrians and cyclists to directly reach destinations.

Adaptive Use: Rehabilitation or renovation of existing building(s) for a Use other than the originally intended use.

Adult Day-Care Center: Interactive, supervised environment for adults with organic brain syndromes or other ailments, for a portion of a 24-hour day, and licensed by the Commonwealth of Pennsylvania.

Adult Entertainment: Any adult bookstore, adult dancing establishment, adult motion picture theater, or commercial physical contact establishment, or lady art shop where procedures are conducted on specified anatomical areas and are viewed by persons other than the artist and one other person with the consent of the client. ~~See "Table 5.4 Use Consolidation".~~

Affordable Housing: Housing which is deemed affordable to those with a median household income, as rated by the national government or a local government according to a recognized housing affordability index, often specifying that the gross housing cost, including utilities, does not exceed 30% of the occupant's income.

Air Quality: A measure of the levels of pollution in the air and the potential for any adverse effects on public health in the environment.

Alcoholic Beverage Sales: An establishment in which the primary use shall include the sale of alcoholic beverages, with or without meals; may include but is not construed to be a private club. Also, Taproom.

Allée: A regularly spaced and aligned row of trees usually planted along a street or pedestrian passage.

~~**Alley:** A right-of-way, municipally or privately owned, serving as a secondary access to the rear of two or more lots. A strip of land over which there is a municipal or privately owned easement, on which no dwellings or stores front, serving as the secondary means of access to two or more lots. An alley shall not be utilized for frontage purposes.~~

Alternative Housing for the Elderly: A residence for a maximum three unrelated elderly individuals or couples that may include household services and assistance with daily activities, but not including skilled nursing, clinical or medical treatment; with or without shared kitchen and dining. ~~See "Table 5.4 Use Consolidation".~~

Ambulance Service: A facility housing ambulances or medical emergency vehicles and attendant staff, including offices and supply storage.

Animal Hospital: A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

Animated Sign: A sign depicting action, motion, or light or color changes through electrical or mechanical means.

Antenna: Apparatus capable of transmitting or receiving telecommunications information or use in operating conventional television sets. This definition shall include conventional television antennas and satellite earth stations, more commonly known as "satellite dishes," but only if such satellite earth stations are more than 24 inches in diameter.

Antenna Array: One or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc).

Antenna Miscellaneous: Structure intended for the transmission or reception of radar, radio, television, or telephone communications, excluding traditional single-family residential television antennas, amateur radio antennas, satellite earth stations and microwave antennas.

Applicant: The legal or equitable owner of the real property being submitted for development approval. Equitable owner may include a contract purchaser or lessee.

Arcade: A covered walkway within a building or attached to a building and supported on at least one side by columns *with enclosed building space above*.

Architectural Style: The characteristic form and detail of buildings from a particular historical period or school of architecture.

Area Devoted to the Use: The total of the floor area and, for any portions of the use not conducted in a building, the lot area actually utilized in connection with the use.

Articulation: The visible expression of architectural or landscape elements through form, structure or materials that break up the scale of buildings and spaces to achieve human scale.

Artisan Sign: Signs of workmen performing services at or alterations to a building which shall be removed upon the completion of the work.

Assisted-Living Unit: A personal care unit within a continuing care facility for the elderly, as licensed by the Commonwealth of Pennsylvania, in which food, shelter and personal assistance or supervision is provided for a person exceeding 24 consecutive hours and who requires assistance or supervision in activities of daily living, but do not require hospitalization or care in a skilled nursing or intermediate care facility.

Atrium: An indoor, roofed space whose height exceeds one story that is utilized primarily as a circulation or gathering space serving all occupants of the building.

Auto Related Services: A place of business serving minor auto-related needs including, but not limited to: motor vehicle sales, car rental, minor repairs, retail sales such as auto parts, tire store, gas station, and car wash.

Auto-Related Industrial Establishment: A place of business serving major auto-related needs including: car wash, gas station, and mechanical repairs.

Average Slope: The slope of land determined according to a formula based on the contour lines on a topography map.

Awning: A cloth, canvas, or other nonstructural covering that projects from a wall for the purpose of shielding a doorway or window, with or without signage. An awning can be fixed in place or can be raised or retracted to a position against the building when not in use. *Awnings, to be an effective adjunct to a shopfront, must thoroughly overlap the sidewalk.*

Awning Sign: A sign painted on, printed on, or applied to an awning.

Background Sound Level: The measured sound level in the area, exclusive of spontaneous extraneous sounds, and related to the sound contribution of the specific source in question.

Balcony: A platform that projects from the wall of the building and is surrounded by a railing, wall or balustrade.

Balloon Sign: A lighter-than-air, gas-filled balloon, tethered in a fixed location, which contains an advertising message on its surface or attached to the balloon in any manner.

Banner: A sign consisting of cloth, bunting, plastic, paper, or similar non-rigid material attached to a structure, staff, pole, rope, wire, or framing which is anchored on two or more edges or at all four corners. Banners are temporary in nature and do not include flags.

Base Flood: The flood having a one-percent chance of being equaled or exceeded in any given year; the one-hundred-year flood.

Base Flood Elevation: The one-hundred-year-flood elevation.

Basement: Any area of the building having the greater part of its floor below ground level on all sides.

Bed & Breakfast: A group of Lodging units not to exceed five units that may provide space and services for dining, meeting, and recreation. ~~See "Table 5.4 Use Consolidation".~~

~~**Billboard:** A sign which directs attention to a business, product, commodity, service, entertainment or facility not located, conducted, sold or offered upon the premises where such sign is located or which calls public attention to a candidate, cause or public issue and which may be either freestanding or mounted upon the roof of a building.~~

Block: A unit of land bounded by streets or combination of streets, railroad right-of-way, waterway, or any other barrier to the continuity of development. An area defined as both sides of an uninterrupted road segment between two intersections.

Board: The Board of Commissioners of the Township of Lower Merion.

Box Sign: A sign fastened to a wall, constructed as a box with enough internal depth to accommodate internal lighting.

Buffer, Landscape or Buffer Area: A designated area at the perimeter of a Lot, densely landscaped its full width with trees and shrubs, as a visual and ambient screen to protect residential property from impacts of other Uses.

Buildable Area: The portion of a Lot remaining after required Setbacks have been provided. Buildings may be placed in any part of the Buildable Area, but other requirements such as ~~impermeable surface requirements Area~~ or Lot Occupation may limit use of Buildable Area.

Building: Any Structure having a solid roof intended for shelter or enclosing of persons, animals, personal property, vehicles or equipment, excluding freestanding tents and awnings.

Building Area: The building footprint measured by the horizontal cross section of a building at its greatest outside dimensions at or above the ground level, excluding cornices, eaves, gutters or chimneys projecting not more than 18 inches, bay windows not extending through more than one story and not projecting more than three feet, one-story open porches projecting not more than 10 feet, steps and balconies.

Building Configuration: The form of a building, based on its massing, frontage, and height.

Building Frontage: The linear width of a building measured in a single straight line parallel, or essentially parallel, with the abutting public street(s) or parking lot(s).

~~**Building Height:** The vertical extent of a building measured in stories. The vertical distance from the mean grade from to the highest part of the building excluding permitted appurtenances (e.g. chimneys) authorized elsewhere in this chapter.~~

Building Line: The line which establishes the minimum depth of the front yard measured from the right-of-way line.

Building Mass: The three-dimensional bulk of a structure: its height, width and depth.

Building Scale: The relationship between the mass of a building and its surroundings, including the width of street, nearby open space, and the mass of buildings on adjacent properties.

Build-to Line: A line established within a given Lot indicating where the Front Façade of a Structure must be located. (Also Frontage Line).

Caliper: The diameter of a tree measured by the American or U.S.A. Standard for Nursery Stock (ANSI) or U.S.A.S Z60.1 of the American Association of Nurserymen, as amended.

Canopy: A multi-sided overhead structure architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building supported by columns at additional points, or freestanding, with or without signage.

Canopy Sign: A sign that is part of, or attached to, a canopy. ~~For the purposes of this Article, canopy signs shall be considered wall signs.~~

Car Share: A short-term car rental service whereby customers can pick up and return the car at a designated place.

Cartway: The portion of a street or right-of-way, paved or not paved, which is used or intended for use by vehicular traffic.

Caregiver (Medical Marijuana): The individual designated by a patient to deliver medical marijuana.

Cemetery: A burial ground that may include buildings, such as a mausoleum or a chapel. ~~See "Table 5.4 Use Consolidation".~~

Certified Medical Marijuana Use: The acquisition, possession, use or transportation of medical marijuana by a patient, or the acquisition, possession, delivery, transportation or administration of medical marijuana by a caregiver, for use as part of the treatment of the patient's serious medical condition, as authorized by certification by the commonwealth.

Changeable Copy Sign: A sign, or portion thereof, on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system. The two types of changeable copy signs are Manual Changeable Copy Signs and Electronic Message Center Signs.

Channel Letter Sign: A sign consisting of three-dimensional letters and/or logo, applied to a wall, each letter of which may or may not accommodate a light source.

Civic: see Definition of Uses, Institution.

Class I Historic Resource: All historic resources, including buildings, structures, sites and objects individually listed as Class I Resources on the Lower Merion Township Historic Resource Inventory.

Class II Historic Resource: All historic resources, including buildings, structures, sites and objects individually listed as Class II Resources on the Lower Merion Township Historic Resource Inventory.

Clear Window: The glass surface of a window that allows visual permeability without tinting or screening.

Clearance: The distance above the walkway, or other surface if specified, to the bottom edge of a sign. This term can also refer to a horizontal clear distance between two objects.

Code of Regulations: Such governing regulations as are adopted pursuant to [Chapter 155, Zoning, and Chapter 135, Subdivision, and Land Development](#), and the Unit Property Act for the regulation and management of condominium properties including amendments thereof and may be adopted from time to time.

College / University: A facility for post-secondary education that grants associate, bachelor, master, or doctoral degrees and may include research functions and professional schools; with a dedicated site that may include several buildings; or occupying several locations throughout the community. [See "Table 5.4 Use Consolidation"](#).

Commercial Traffic Visit: [Any visit or delivery, except regular residential delivery, by a vehicle to a property on which a home occupation is conducted, such being made in connection with that home occupation.](#)

Commercial Use: See Definition of Uses, Commercial.

Common Driveway: Any portion of the driveway on a lot (or lots) not specifically for the exclusive use of that lot.

Common Entry: A single collective primary building entrance to a multi-tenant lobby.

Community Art Center: A Community Center whose purpose is limited to serving artists and arts organizations by, for example, providing them with exhibition, workshop, classroom and office space, and to serving the public.

Community Center: A facility maintained principally as a multiple-purpose gathering place for members of the general public, or a limited portion thereof. The community center may include a management office comprising no more than 15% of the habitable floor area as an accessory use to manage the center and related facilities.

Common Open Space: A parcel or parcels of land, an area of water or a combination of land and water, within a subdivision or land development, designed or intended for use or enjoyment of residents of the subdivision or land development, including streets, off-street parking areas or areas set aside for public facilities. Common Open Space shall be substantially free of Structures except as permitted in Open Space Preservation Districts, but may contain such improvements as are appropriate for the recreation of residents and which are set forth in the subdivision or land development plan as finally approved by the Board of Commissioners.

Communications: A facility or structure related to the movement of data and information.

Community Residential Facility/Program: An establishment, sometimes referred to as a "community living arrangement" or a "group home," licensed by the Commonwealth of Pennsylvania, that provides a home for not more than eight handicapped or elderly individuals, excluding staff who do not reside on the property, who live and cook together as a single housekeeping unit. This definition shall not include a facility housing persons released from or under the jurisdiction of a government bureau of corrections or similar institution. "Handicapped", with respect to a person, a physical or mental impairment which substantially limits one or more of such person's major life activities, a record of having such an impairment or being regarded as having such an impairment; but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C. § 802). ~~See "Table 5.4 Use Consolidation"~~.

Composite: Two or more materials, typically wood fiber and plastic combined to create a stronger material.

Comprehensive Plan: The plan, consisting of maps, charts and textual matter, including recommendations for the continuing development of the Township and adopted by the Board of Commissioners of the Township.

Condominium: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions and organized in accordance with the Pennsylvania Uniform Condominium Act, 68 Pa.C.S.A. § 3101 et seq.

Configuration: The form of a Building based on its massing, Frontage and Height.

Conservation: The planned management of a natural feature to preserve, protect or restore it.

Conservation Easement: A legal agreement between a property owner and an appropriate conservation organization or governmental entity, through which the property owner establishes certain use ~~restrictions~~ regulations over all or portions of the property to carry out the purposes of this chapter.

Context: Surroundings with particular elements that create specific character of an area.

Contiguous: Sharing part of a common property or boundary line; not separated by a street.

~~Continuing Care Facility for the Elderly: See Definition of Uses, Institution. See "Table 5.4 Use Consolidation".~~

Continuing Care Facility Housing for the Elderly: A development consisting of independent residential living units exclusively for persons who are ~~60-62~~ 60-62 years of age or older and for married couples with one spouse or both spouses being ~~60-62~~ 60-62 years of age or older. Such developments shall provide nursing facilities containing assisted living and/or memory care/nursing units, health care services and meals for residents (with or without common dining facilities). Such developments may also provide the following facilities and services for the exclusive use of the residents and nonresidents occupying assisted-living and/or memory care/nursing units: physical therapy facilities; auditoriums; recreation facilities; on-site service shops; and other ancillary services.

Contributing Element: A building, structure, site, landscape, or object within the confines of a Historic Resource that contributes to its historical significance or to the integrity of the resource. Alterations to such an element are reviewable by the Historical Commission.

Contributing Resource: A building, structure, site, landscape, or object Located within a Historic District which has been determined to support the district's historical significance through location, age, design, setting, materials, and workmanship, ~~feeling and/or association.~~

Corner Lot: A lot abutting on at least two sides streets connected at an intersection, or two parts of the same curvilinear street.

Cornice: An ornamental molding that finishes or crowns the top of a building, wall, arch, etcetera.

Corridor: A lineal geographic system incorporating transportation or greenways.

Council: A board of natural individuals of the number stated in the code of regulations who are residents of the Commonwealth of Pennsylvania, who need not be unit owners and who shall manage the business, operation and affairs of the property on behalf of the unit owners and in compliance with this chapter and the Unit Property Act.

County: Montgomery County, Pennsylvania.

Court, Inner: An open space substantially enclosed on all sides by the walls of a building.

Court, Outer: An open space partly enclosed by the walls of a building.

Cul-de-sac: A street with one end open for public vehicular, bicycle, and pedestrian access and the other end terminating in a vehicular turnaround.

Cultural / Museums: A facility / structure that houses and cares for art, sculptors, and objects of cultural importance, provides information and interpretation of cultural heritage assets and makes them available for the public to view and experience.

Cultural Landscape: The minimum essential setting or context in which an identified historic resource retains its historic integrity; "resource" being constituted by either individual object, site or structure or by multiple objects, sites or structures (historic district); "historic setting" including both natural (trees, streams, slopes, etc.) and man-made (bridges and walls, outbuildings, such as spring houses, barns, corn cribs, railroad tracks, cemetery markers, etc.) features; "historic integrity" being the unimpaired state which allows the viewer of the resource to have a better understanding of the materials and culture of the past.

Cultural Studio: A facility used for providing to the public instruction in the performing arts, limited to dance, music and theater, and the fine arts, including drawing, painting, photography and sculpture.

Curb: The edge of the vehicular pavement that may be detailed as a raised concrete or stone element.

Curbline: The edge of the curb furthest from the street.

Day Care: A facility where children are cared for, including after-school care as regulated by the Commonwealth of Pennsylvania.

DBH: The diameter of a tree at breast height, measured 4.5 feet from the ground surface.

Declaration: The instrument by which the owner of property submits it to the provisions of the Unit Property Act.

Deed of Dedication: With respect to transferable development rights, the legal instrument used by a landowner to transfer ownership of a cleared and stabilized sending parcel, without its associated development credits, to Lower Merion Township or its designated agent.

Deed of Development Credits: The legal instrument necessary to sever and transfer development credits currently or previously appurtenant to a sending parcel.

Demolition, Historic: The destruction, dismantling or removal, whether deliberately or by neglect, of the exterior of a building, structure, object, or site listed on the Historic Resource Inventory, in whole or in significant part for any purpose, including additions, alterations, reconstruction and/or new construction. Demolition regulated by this provision includes the removal, stripping, concealing or destruction of the facade, exterior surfaces, or any significant exterior architectural feature(s) and/or material(s), which contribute to the historic character of the resource.

Density: The number of Dwelling Units within a standard measure of land area, usually given as units per acre.

Developer: Any person, firm or corporation which performs or undertakes to perform development.

Development: Any man-made change to improved or unimproved real estate, including the construction, reconstruction, renovation, repair, expansion or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading and excavation; mining; dredging or drilling operations; storage of equipment or materials; and the subdivision of land.

Development Sign: A sign indicating that the premises on which the sign is located is in the process of subdivision or land development for residential and/or nonresidential uses.

Development Standards: The standards set forth in this article, [Chapter 155, Zoning](#), and [Chapter 135, Subdivision](#), and Land Development.

Directional Sign: A sign designed to provide direction to pedestrian and vehicular traffic into and out of, or within a site.

Director of Building and Planning: Township of Lower Merion official, formerly known as the "Director of Building Regulations," whose duties include, as Zoning Officer, the administration of this chapter.

Disposition: The placement of a building on its lot.

District: A Zoning category that prescribes intended Use and Form regulations for a given area.

Drainage Right-of-way: The land required for the installation and/or maintenance of storm sewers, drainage ditches or retention basins.

Dripline: A generally circular line, the circumference of which is determined by the outer reaches of a tree's widest branching points.

Drive-through Facility: A place of business allowing transactions for goods or services without leaving a motor vehicle, including service, retail, and restaurant uses, but excluding car washes.

Duplex: A building designed for and occupied exclusively as a permanent residence for two Families, with one Family living wholly or partly over the other, and having no party wall in common with an adjacent building. ~~See "Table 5.4 Use Consolidation"~~

Dwelling Unit: Any structure or part thereof designed for and occupied exclusively as a residence for a single Family. to be occupied as living quarters as a single house-keeping unit.

Earthmoving: Any act by which soil or rock is cut into, quarried, displaced or relocated.

Easement: A right to make use of the land of another for a specific and limited purpose such as right of passage, or placement and maintenance of a utility.

Edge of Public Right of Way: Boundary of the right of way as determined by Township Ordinance for the means of vehicular and or pedestrian travel and utilities.

Effective Date: The effective date of this Chapter is April 26, 1927, except that as to amendments, the effective date shall be the date when the particular amendment became or becomes effective.

Electronic Message Center Sign: A type of illuminated, changeable copy sign that consists of electronically changeable alphanumeric text ~~often used for gas price display signs and athletic scoreboards.~~

Emergency Facilities (Ambulance Services and Fire Stations). The ambulance services and fire stations that provide a mandated service on behalf of the Township and maintain a tax-exempt status under [Section 501\(C\)\(3\) or \(4\)](#) of the Internal Revenue Code, as amended.

Employee Day Care: A facility for the care of infants and preschool children of employees of the principal or accessory uses.

Encroachment: An extension of a Building or Building component into the area of the required Setback, or any physical action which may jeopardize the health and longevity of a natural feature.

Engineer: A person licensed by the Commonwealth of Pennsylvania to engage in the practice of engineering and/or land surveying.

Environmental: A site set aside for the creation, retention and permanent protection of natural or historic resources, including floodplains, wetlands, streams, valleys, woodlands and other natural and scenic features, historic sites and other historic resources. ~~See "Table 5.4 Use Consolidation".~~

Environmentally Sensitive Area: an area with one or more of the following characteristics: slopes in excess of 15%; floodplains,; soils classified as having a high water table; soils classified as highly erodible, subject to erosion, or having a shallow depth to bedrock; wetlands or other sensitive estuaries; stream corridors; aquifer recharge areas, springs or other surface and groundwater resource areas; prime wildlife habitat; significant geologic formations; land incapable of meeting percolation requirements; mature stands of native vegetation.

Entrance, Primary: The main point of access of pedestrians into a building.

Erect: To build, construct, attach, hang, place, suspend or affix, including the painting of wall signs, window signs or other graphics.

Estate Preservation Lot: See "Environmental."

~~**Expanded Building or Structure:** In districts where public parking spaces may be counted in satisfaction of required parking spaces, an 'expanded' building or structure is one where at least 75% of the floor area remains undisturbed and no more than 75% of the floor area existing on July 1, 2017 (date of adoption) is added.~~

Expanded Use: The enlargement of the use of property evidenced by any of the following: the construction of or addition to a building, a parking lot or outdoor recreation structure or equipment; the construction of a new athletic field, a new playground or a new hard-surfaced area designed or intended to be used for sporting or other physical recreation activities; the extension of the use of property beyond the permitted parameters established by the Zoning Hearing Board, or beyond those parameters established in the record of testimony presented to the Zoning Hearing Board in support of an approved application; an increase of five persons or 10%, whichever is greater, in the student and faculty or participant population associated with the use as it was authorized by a previously granted special exception or, if not so authorized, as it had been historically used; an increase of five persons or 10%, whichever is greater, in the student and faculty or participant population of driving age associated with the use as it was authorized or, if unauthorized, as it historically experienced; or a change in the days or hours of normal operation.

Facade: The exterior wall of a building that is set along a frontage line, at or behind the Setback line that faces a public or private street or pedestrian way. (See Primary Front Facade.)

Facade Type: The architectural element at the front of a building that serves as the interface between the private and the public realm, and determines the character of the public space it faces. Includes: Porch, Stoop, Common Entry, Arcade and Colonnade, Gallery, and Storefront.

Family: Any number of individuals living and cooking together as a single housekeeping unit, including not more than three unrelated individuals. The term "unrelated individual" shall include any individual who is unrelated by blood, marriage or legal adoption to any other individual in the unit, but it excludes domestic servants and minor foster children. The term "family" shall include a community residential program for not more than three unrelated individuals, but shall not include a student home.

Family Day Care: Day care provided by a resident of a single-family detached dwelling for up to six nonresident children (excluding the caretaker's children). ~~See "Table 5.4 Use Consolidation".~~

Farmers Market: A producer-only farmers' market where only locally produced food and agricultural products are sold.

- 2.1.0.a. Food and Agricultural Products: Vegetables, fruits, eggs, dairy products (milk, cheeses, yogurt, ice cream), meats, grains, baked goods, juices, other edible food stuffs (such as chocolates, honey, jams, salsa and candies), flowers and other fresh or dried plant materials.
- 2.1.0.b. Locally Produced food and agricultural products: Food and agricultural products raised, grown and/or produced no more than 150 miles from the site of the farmers' market.
- 2.1.0.c. Producer-Only Farmers' Market: That the entity or person selling the food and agricultural products must raise, grow and/or produce the locally produced food and agricultural products that they are selling.

Fence: A barrier for the purpose of enclosing or defining a space.

Fitness Center: See Definition of Uses, Institution, Recreational Establishments.

First Floor Elevation: Height of floor level used to measure Building Height, as established in the Form Standards of each District.

Flag: A piece of fabric or other material of distinctive design that is used as the symbol of a nation, state, city, agency or corporation and which is usually displayed hanging free from a staff or halyard.

Flag Sign: A sign printed or painted on a cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners. ~~For the purposes of this Article, this definition shall include~~ "feather flags" and "flutter flags".

Flashing Sign: A sign whose artificial illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction, or animation. This definition does not include electronic message center signs or digital displays that meet the requirements set forth herein.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas by water.

Flood Insurance Rate Map (FIRM): The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study (FIS): The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

Floodplain: The land area susceptible to being inundated by water from any source and as designated on the Lower Merion Township Floodplain District Map prepared by the Township of Lower Merion. The Lower Merion Township Floodplain District Map is based on the Flood Insurance Study for the Township of Lower Merion, Montgomery County, Pennsylvania, as prepared by the Federal Emergency Management Agency (FEMA), dated March 2, 2016, or the most recent revision thereof, and a floodplain area as shown on the Lower Merion Township Topographic Map, last revised to October 1973. The floodplain includes the floodway fringe area. Where a conflict in the designation of the floodplain, floodway and floodway fringe exists between the Federal Flood Insurance Study and as shown on the Lower Merion Township Topographic Map, that designation of the floodplain, floodway and floodway fringe which is more restrictive or prohibitive of development shall be the Floodplain District.

Floodproofing: Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to carry and discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway Area: The areas identified as "floodway" in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other available studies or source of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.

Floodway Fringe Area: The remaining portions of the one-hundred-year floodplain in those areas identified as an AE Zone in the Flood Insurance Study, where a floodway has been delineated. The flood fringe is also referred to as the floodplain in this article. The basis for the outermost boundary of this area shall be the one-hundred-year-flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

Floor Area: The horizontal floor area within the inside perimeter of the outside walls of the building including, but not limited to hallways, stairs, closets, thickness of walls, columns and other features.

Floor Area Ratio: The floor area of the Building or Buildings on any Lot divided by the area of such Lot. For the purpose of determining floor area ratio, any space devoted to required off-street parking, loading, or vehicular access thereto shall not be included in calculating floor area.

~~**Floorplate:** The total indoor and outdoor floor area of any given story of a building, measured to the exterior of the wall and/or balcony.~~

Food & Beverage: A retail business operated primarily for the sale of prepared hot and cold food and drinks, for immediate consumption either on the premises or to take away, including cafes, restaurants, and fast food establishments. ~~See "Table 5.4 Use Consolidation".~~

Food & Beverage, Takeout: A building or an area within a building with less than four indoor tables (less than 12 chairs), used primarily for the purpose of furnishing to the public food to be consumption off premises.

Foot-Candle: A unit of incident light (on a surface) stated in lumens per square foot and measurable with an illuminance meter (also known as a foot-candle or light meter). One (1) foot-candle is equal to one (1) lumen per square foot.

Forecourt: A courtyard at the Building Frontage. *a private frontage where a portion of the building is close to the frontage line and the central portion is set back.*

Freestanding Sign: A single- or double-faced sign, that is placed on or anchored in the ground; and that is independent and detached from any building or other structure. The following are sub-types of freestanding signs:

- 2.1.0.a. Ground/Monument Sign - A freestanding sign that is permanently supported by an internal structural framework or integrated into landscaping or other solid structural features. ~~(also known as a ground sign)~~
- 2.1.0.b. Pole Sign - A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground; and is not supported by a building or a base structure.

Freeway Arterial: See Street, Freeway Arterial.

Frontage Line: See Build-to Line.

Frontage Yard: The area between a building facade and the cartway.

Frontage Yard Type: The physical element that characterizes the space between the building and the street or pedestrianway. Includes: Common Yard, Fenced Yard, ~~Cottage Court~~, Shallow Yard, Urban Yard, Pedestrian Forecourt, and Vehicular Forecourt.

Frontage Yard Types, Common Yard: A frontage yard type with a deep setback, remaining unfenced and visually continuous with abutting yards, supporting a common landscape that may be densely planted to buffer from high speed streets.

Frontage Yard Types, Fenced Yard: A frontage yard type wherein the facade is set back from the lot line. Fences are required and the setbacks are visually continuous with adjacent yards.

Frontage Yard Types, Pedestrian Forecourt: A frontage yard type where the primary facade is located near the lot line with an area setback to accommodate open space and the primary entrance of the building.

Frontage Yard Types, Shallow Yard: A frontage yard type where the facade is slightly setback from the lot line.

Frontage Yard Types, Urban Yard: A frontage yard type where the facade is at or near the lot line and the surface is paved.

Frontage Yard Types, Vehicular Forecourt: A frontage yard type where the primary facade is located near the lot line with an area setback to accommodate a driveway meant for passenger loading and unloading.

Gallery: *A covered walkway attached to a building and supported on at least one side by columns with no enclosed building space above.*

Garage, Private: A Building accessory to a single-family or two-family dwelling, for the storage of motor vehicles owned and used by the owner or tenant of the Lot.

Garage, Commercial: A Building, ~~not a Private or storage Garage,~~ used solely for the storage, sale, service or repair of motor vehicles.

Garage, Public: See Parking Structure.

General Agriculture: an enterprise that is actively engaged in the commercial production and preparation for markets of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. ~~See "Table 5.4 Use Consolidation".~~

Glazing: Glass in doors and windows or other glass incorporated into a building façade.

Golf Club (Country Club): A golf course and associated uses and buildings, including, but not limited to club house, dining, banquet, practice, and other sport and recreation facilities, located on a tract of land containing a minimum of 150 acres and at a minimum of 18 holes of golf.

Government/Regulatory Sign: Any sign for the control of traffic or for identification purposes; street signs, warning signs, railroad crossing signs, and signs of public service companies indicating danger or construction; which are erected by or at the order of a public agency officer, employee, or agent thereof, in the discharge of official duties.

Governmental Purposes: Those actions, objectives, or goals of which the Township of Lower Merion has been vested with statutory authority to accomplish, fulfill or oversee.

Green Roof: An engineered, multi-layered roofing system sustaining the growth of plants on a rooftop while protecting the integrity of the underlying structure. The components of a green roof consist of a waterproofing membrane, root barrier, drainage layer, retention layer, filter fabric, growing medium and plants.

Greens: Open space areas within a development which are designed or intended for the use and enjoyment of the residents of the development.

Grocery Store: A retail sales business operated as a food market with more than 7,500 square feet of floor area.

Groundwater Recharge: The replenishment of geologic structures and rock or soil interstices which have the capacity to store water.

~~**Group Home:** See Community Residential Facility/Program.~~

Habitable Space: Non-residential building space with a Use that involves human presence with a direct view through windows and doors of the facing Street or public or private open space, excluding parking garages, self-service storage facilities, warehouses, ~~B, buildings with display windows separated from retail activity.~~

Hardscape: The man-made features of a Lot's landscaping, such as roads, sidewalks, courtyards, walls, and parking lots.

Health and Medical: A facility involving the treatment and examination of patients and the furnishing of medical, surgical or other services to individual. This may include a medical clinic, health clinic, or special medical treatment facility. ~~See "Table 5.4 Use Consolidation".~~

Height: See Building Height.

Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Building: Any complex physical construction and its appurtenances with historic, and/or cultural, and/or archaeological, and/or scientific significance, as listed on the Historic Resource Inventory, which is a combination of materials assembled in an "enclosed" configuration, created in whole or in part to shelter primary forms of human activity, and which is permanently affixed to the land. Examples of Historic Buildings include, but are not limited to, those listed under "Building" in the current version of the National Park Service's National Register Bulletin 15, Section IV: "How to Define Categories of Historic Properties".

Historic District: An area that possesses a group of buildings, structures, objects, sites, or other constructed or naturally occurring features that have been recognized for their local historical or cultural significance by the Board of Commissioners having determined that it conforms with an established set of criteria and having received certification from the Pennsylvania Historical and Museum Commission.

Historic Neighborhood: An area researched, documented, reviewed by the Pennsylvania Historic and Museum Commission and determined eligible by that Commission for inclusion on the National Register. An historic neighborhood includes all buildings, structures and sites located within it, whether or not they contribute to the character of the area.

Historic Object: Any simple physical construction or composition, typically small in scale, with historic, and/or cultural, and/or archaeological, and/or scientific significance, as listed on the Historic Resource Inventory, which is typically singular in material combination, created primarily for informational, functional, or aesthetic purposes, and which is related to a specific setting or environment, often affixed to the land, yet may be movable by nature or design. Examples of historic objects include, but are not limited to, those listed under "Object" in the current version of the National Park Service's National Register Bulletin 15, Section IV: "How to Define Categories of Historic Properties".

Historic Resource: All historic buildings, structures, sites, and objects which are designated on the Historic Resource Inventory, Chapter A180, including Class I and Class II Resources, and contributing resources within Historic Districts. Unless otherwise specified, the boundaries of a Historic District are that of the parcel, which must contain at least one Contributing Element and may contain Non-contributing Elements.

Historic Site: Any location, with or without a building, structure, and/or object, whether standing, ruined, or vanished, which has historic, and/or cultural, and/or archaeological significance, as listed on the Historic Resource Inventory. Examples of historic sites include, but are not limited to, those listed under "Site" in the current version of the National Park Service's National Register Bulletin 15, Section IV: "How to Define Categories of Historic Properties".

Historic Structure: Any complex or simple physical construction, with historic, and/or cultural, and/or archaeological, and/or scientific significance, as listed on the Historic Resource Inventory, which is a combination of materials assembled in an "open" configuration of interdependent and interrelated parts in a definite pattern of organization, created in whole or in part to facilitate secondary or indirect forms of human activity, and which is affixed to the land. Examples of historic structures include, but are not limited to, those listed under "Structure" in the current version of the National Park Service's National Register Bulletin 15, Section IV: "How to Define Categories of Historic Properties".

Home Occupation: Any lawful use conducted entirely within a Dwelling Unit or Accessory Dwelling Unit or accessory building by a resident of the dwelling. The use shall not change the character of the property. Two people sharing a Dwelling Unit shall each be permitted a Home Occupation, provided that it is their principal dwelling. This includes historic, non-traffic, and minor home occupations.

Hospital: A facility providing primary physical or mental health services and medical or surgical care of the sick, handicapped or injured including facilities for overnight accommodation of patients. Hospitals may include various ancillary activities which are customarily incidental to and in direct support of the primary health care mission of the hospital, including: emergency and intensive care, clinics, medical offices, hospital administrative offices, laboratories, pharmacies, gift shops, teaching facilities, research facilities, rehabilitation facilities, patient hostels, academic clinical research center, hospital cafeteria or dining facilities, conference facilities, hospital staff dormitory, employee day care, vehicular ambulance service, and diagnostic or treatment facilities which are integrated with the hospital facilities. ~~See "Table 5.4 Use Consolidation".~~

Hotel: A group of Lodging units that may provide space and services for dining, meeting, and recreation. ~~See "Table 5.4 Use Consolidation".~~

Identification Card: A document issued by the Pennsylvania Department of Health that permits access to medical marijuana.

Illuminated Sign: A sign that is either internally illuminated through its sign face by a light source contained within the sign, or externally illuminated by a light source aimed at its surface.

Illumination: A source of artificial or reflected light. The following are sub-types of illumination:

- 2.1.0.a. External Illumination: Artificial light, located away from the sign, which lights the sign, the source of which may or may not be visible.
- 2.1.0.b. Halo Illumination: A sign using a three-dimensional message, logo, etc., which is lit in such a way as to produce a halo effect (also known as back-lit illumination).
- 2.1.0.c. Internal Illumination: A light source that is concealed or contained within the sign visible through a translucent surface. Message center signs, digital displays, and signs incorporating neon lighting shall not be considered internal illumination for the purposes of this Article.

Impervious ~~Coverage Surface~~: Any material which prevents or impedes the natural absorption of stormwater directly into the ground.

Improvement: Elements of the physical environment, including: buildings, grading, paving, restoration of existing paving damaged by construction, walkways, curbs, gutters, street signs, fire hydrants, water mains, gas mains, sanitary sewers, on-site sewage disposal facilities, storm drainage facilities, retention basins, bridges, side-walks, crosswalks, monuments, street shade trees, buffer planting and streetlights.

Inflatable Sign: A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device.

Institutional Accessory Use: A use that: is secondary to, subordinate to, customarily incidental to, or dependent on the existence of the Primary Institutional Use; does not alter the character of the property in respect to its primary use; inhabits the structures and facilities of the primary use or its own facility; and conforms to all regulations applicable to the Primary Use. This ~~may include but is not limited to~~, for example, occasional or seasonal events such as: vacation-time camps; programming; fairs; conferences; off-campus user sports events; and multi-school competitive sports and play-offs.

Institutional Use: All public, private or not-for-profit organizations that serve public benefit and community use including: ~~hospital~~; continuing care facility; museum; community art, education, health, and recreation; club, lodge, country club; day care (for more than six children); public school; private school; college; university; religious institution. Also included are sites dedicated to open space and historic preservation that serve community use, including cemeteries. Excluded are properties in municipal ownership.

Institutional Primary Use: ~~An Institutional U~~ use that: inhabits the structures and facilities of the property; ~~for which are devoted~~ customarily consumes the greater part of the institution's resources of time and funds in its management; and, conforms to Institutional District regulations. This includes ~~but is not limited to: teaching, learning, and administration facilities for students, faculty, and staff; related services that support the primary use, such as~~ residential facilities for faculty, students, and ~~resident~~ staff; exhibition, worship, performance, recreational and competitive sports facilities; food preparation and dining facilities; ~~health care~~ continuing care and assisted living for the elderly; day care; and parking.

Infrastructure: A facility or structure related to the provision of transportation such as roads and railroads, water and sewer lines, electrical power, telephone and cable transmission, and all other utilities and communication systems necessary for the functioning of a community. ~~See "Table 5.4 Use Consolidation"~~

Inn: A group of Lodging units not to exceed twenty-five units that may provide space and services for dining, meeting, and recreation. ~~See "Table 5.4 Use Consolidation".~~

Institutional Civic: Collectively includes communally beneficial land uses, including but not limited to organizations dedicated to the arts and culture, active recreation, social and religious use, senior housing, wellness and recreation.

Institutional Education: Collectively includes sites or buildings operated for the provision of full-time or part-time educational services for students of all ages.

Institutional Housing: Collectively includes sites or buildings operated for the provision of housing and health care services for the elderly.

Institutional Natural Preserve: Collectively includes sites and buildings operated for three types of uses: cemeteries, golf clubs and environmental and open space preserves.

Interactive Sign: An electronic or animated sign that reacts to the behavior or electronic signals of passersby.

Land Development: Improvements involving: two or more residential buildings, or one or more nonresidential structure, regardless of number of occupants; subdivision of land for the use of two or more existing or prospective occupants with streets, building groups, common areas, leaseholds, condominiums, or other features. Excluded from land development are: the conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium; the additions of an accessory building, including farm buildings, on a lot with an existing principal building;

Land Development Committee: The Committee composed of the heads of departments of the Township or their designee and such other Township employees as appointed by the Township Manager.

Land Subdivision Agreement: An agreement between the Township and the then owner(s) of a property, executed during the subdivision or land development approval process, which describes conditions of approval. These conditions shall remain in effect regardless of any transfer of ownership.

Letter Height: The height of a letter from its bottom to its top, including any shadow lines which are constructed as part of the sign.

Light Industrial: A place of business involving craft, light fabrication, assembly, processing, repair, distribution, warehousing, or bulk storage, such that, if located close to residential or other sensitive areas, will not have a detrimental impact on the quality of life of residents in terms of air pollution, noise, odor, or traffic generation. ~~See "Table 5.4 Use Consolidation".~~

Light Trespass: Light emitted by a light source, which extends beyond the boundaries of the property on which the light source is located.

Liner: A Building or part of a Building with habitable space, conforming to its District, specifically designed to face a public space, masking an inactive use, such as, but not limited to, a parking lot, parking garage or storage facility.

Live-Work: A dwelling unit that contains ground floor retail, office, or light industrial use that is limited to a maximum fifty percent (50%) of the total floor area. ~~See "Table 5.4 Use Consolidation".~~

Loading Area or Space: An area in which goods and products are moved on and off a vehicle, including the stall or berth and the apron or maneuvering room incidental thereto.

Lodging: Temporary residential accommodation for tourism and business purposes, which typically include a furnished room that includes temporary sleeping arrangements, sanitary facilities, and may include limited kitchen facilities.

Loggia: A roofed, but open arcade along the front or side of a building on an upper story.

Lot: A tract or parcel of land as defined by the description set forth in the deed or other instrument vesting title in the owner of record, or other instrument dividing or allocating land, air rights or subsurface rights below the surface of the land.

Lot Area: The land area within the Lot property lines and between the rear property line and the nearest street line.

Lot Development: Any construction for which a building permit is required under Chapter 62 of this Code, or any other activity affecting land or modifying land from its natural condition.

Lot Line: The boundary that legally and geometrically demarcates a lot.

~~**Lot, Nonconforming:** A parcel of land with dimensions not meeting minimum requirements of this Code.~~

Lot Occupation: The area of the lot occupied by all buildings, excluding structures such as decks, pools, and trellises.

Lot Width: The measure of a Lot taken on a straight line between two points on the side Lot lines equidistant from the Street line.

Lowest Floor: The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood-resistant partially enclosed area, used solely for parking of vehicles, building access and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this chapter.

Low Sloped Roof: A roof with a pitch of 5:12 or less

Luminance: An objective measurement of the brightness of illumination, including illumination emitted by an electronic sign, measured in candelas per square meter (cd/m²), or "nits"

Maintenance Guaranty: Any security which may be required of a developer by the Township after the final acceptance by the Township of improvements installed by the developer. Such security may include but is not limited to maintenance bonds, surety agreements or other collateral.

Major Recreational Equipment: Vehicles including travel trailers, pickup campers, converted trucks or buses, motorized homes, tent campers, tents, or other short-term housing or shelter arrangements and devices, boats and boat trailers, combinations thereof, and other similar equipment, and trailers, cases, and boxes for transporting recreational equipment, whether occupied by such equipment or not.

Manual Changeable Copy Sign: A sign, or portion thereof, on which the copy or symbols are changed manually through placement or drawing of letters or symbols on a sign face.

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Marquee: A permanent roof-like structure supported by a wall of a structure but having no relationship to the roof structure, generally designed and constructed for protection against weather, which fully or partially covers an entrance, sidewalk, or other pedestrian way.

Marquee Sign: A sign attached to a marquee.

Massing: The three dimensional form of a building or structure.

Mechanical Movement Sign: A sign having parts which physically move with such movement being activated electronically or by other means, but shall not include wind-activated movement of banners or flags.

Medical Laboratory: A facility providing services to physicians to analyze and test physical samples and specimens for the diagnosis and treatment of patients.

Medical Marijuana: Marijuana for certified medical use as legally permitted by the Commonwealth of Pennsylvania under the Medical Marijuana Act.

Medical Marijuana Act: The Act of April 17, 2016, P.L. 84, No. 16, as amended from time to time ([53 P.S. § 10231.101 et seq.](#)).

Medical Marijuana Dispensary: A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Pennsylvania Department of Health to dispense medical marijuana; the term includes the facility from which medical marijuana is dispensed.

Medical Marijuana Grower/Processor: A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Pennsylvania Department of Health to grow and process medical marijuana.

Medical Marijuana Registry: The registry established by the Pennsylvania Department of Health for all medical marijuana organizations and practitioners.

Medical Office: A facility involving the treatment and examination of patients and the furnishing of medical, surgical or other services to individual. This may include a medical clinic, health clinic, or special medical treatment facility.

Message Sequencing: The spreading of a single message or advertisement across more than one successive display phases of a sign, or across more than one individual sign.

Micro Facility: A wireless communication facility consisting of an equipment facility capable of being mounted onto the attachment or support structure and antenna that is either:

- 2.1.0.a. No more than five feet in height with a face area of not more than 580 square inches; or
- 2.1.0.b. If a tubular antenna, no more than four inches in diameter and no more than seven feet in length.

Minor Streets: See Street, Minor.

Mitigation: Any action taken to lessen/minimize the specified undesirable impacts of a proposed land use or land disturbance activity, including those which would adversely affect the health or longevity of a natural feature, pose a visual intrusion or conflict or otherwise be deemed incompatible with surrounding properties and uses.

Mixed-use: A multiple-use building with nonresidential uses occupying the floor level directly accessible from a public street or pedestrianway.

Mobile Home: A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one unit or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation.

Multi-Family Housing, Small: A building containing a minimum of three residential dwelling units and a maximum of six units, where each unit has direct access to the outside or to a common hall, and each unit is designed for and occupied exclusively as a permanent residence for a single family. ~~See "Table 5.4 Use Consolidation".~~

Multi-Family Housing, Large: A building containing more than six dwelling units, where each unit has direct access to the outside or to a common hall, and each unit is designed for and occupied exclusively as a permanent residence for a single family. Multi-family housing where dwelling units are available for lease or rent for less than one month shall be considered lodging.

Multiple-use Development: An integrated, complementary development of two or more buildings on one or more abutting lots that includes both residential and non-residential uses, and that may be phased.

Municipal Service: Any use conducted by the Township of Lower Merion, or any local agency of the Township, including administrative offices, equipment or material storage, public parks, recreational centers, public sewage and/or water, collection, treatment, storage, transmission and/or distribution facilities, stormwater management facilities, public parking facilities, public libraries, firehouses, emergency services, or any similar civic use owned or operated by the Township, or a local agency of the Township. The definition of "municipal service" expressly excludes any use conducted by a school district. ~~See "Table 5.4 Use Consolidation".~~

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~~**Municipal Service:** Any use conducted by the Township of Lower Merion, or any local agency of the Township, including administrative offices, equipment or material storage, public parks, recreational centers, public sewage and/or water, collection, treatment, storage, transmission and/or distribution facilities, stormwater management facilities, public parking facilities, public libraries, firehouses, emergency services, or any similar civic use owned or operated by the Township, or a local agency of the Township. The definition of "municipal use" expressly excludes any use conducted by a school district.~~

Mural: Artwork applied to the wall of a building, which covers all or most of the wall. Where a mural contains a commercial message, it shall be considered a wall sign.

Narrow Lot: Any lot Abutting a Street which ~~shall have~~ has less than the required width at the Street line or at any point between the Street Line and a point 25 feet beyond the proposed Building. (~~see Rear Lot~~)

Natural Feature: A component of a landscape existing or maintained as a part of the natural environment and having ecological value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, growth of wildlife, human recreation, reduction of climatic stress and energy costs. Such features include those which, if disturbed, may cause hazards or stress to life, property and the natural environment. [See Chapter 101-3.](#)

Neighborhood Conservation District: An area researched and documented as having a unified architectural character, style, era of construction, or other factor which contributes to the neighborhood's unique character.

Neon Sign: A sign illuminated by a neon tube, or other visible light-emitting gas tube, that is bent to form letter, symbols, or other graphics.

New Construction: Structures for which the start of construction commenced on or after November 19, 1975, and includes any subsequent improvements thereto.

New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Nits: A unit of measurement of brightness, or luminance. One (1) nit is equal to one (1) candela per square meter (cd/m²)

Nonconforming Lot: A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Nonconforming Sign: Any ~~S~~sign that ~~has a valid permit and was legally erected and maintained~~ prior to the effective date of this Code or any subsequent amendment hereto, ~~to that does not comply with the provisions of which such Sign does not conform.~~

Nonconforming Site Improvement: Any Site Improvement which has a valid permit or was completed prior to the effective date of this Code or any subsequent amendment hereto, to the provisions of which such Site Improvement does not conform.

Nonconforming Structure: A Structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the effective date of this Code or any subsequent amendment hereto.

Nonconforming Use: A use, whether of land or of structure, which does not comply with the applicable use provisions in the Zoning Code or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such Code or amendment.

Noncontributing Element: A building, structure, site, or object within the confines of a Historic Resource that does not contribute to its historical significance or to the integrity of the resource. Alterations to such an element are not reviewed by the Historical Commission, unless deemed impactful to any Contributing Element.

Noncontributing Resource: A building, structure, site, or object located within a Historic District, which has been determined to not support the district's historical significance through location, age, design, setting, materials, workmanship, feeling, and/or association.

Nurseries: Land and buildings where the breeding, sale, storage, and display of seedlings, plants, and flowers takes place, including the production, wholesaling, and distribution of plant materials grown or cultivated on site; and where mechanical equipment for landscaping, maintenance of parks and garden, and farming is displayed and sold.

Office: An establishment in which administrative, clerical, service, professional, government or other business is conducted. This excludes manufacturing activities. ~~See "Table 5.4 Use Consolidation".~~

Official Highway Map: A map depicting the routes of vehicular travel within the Township, which is part of the Township of Lower Merion Comprehensive Plan, adopted by the Board of Commissioners in 2016, which depiction of such routes only is hereby incorporated by reference in this chapter and shall be as much a part of this chapter as if fully described herein; provided, however, that said depiction may be amended from time to time in accordance with the terms of Chapter 107.

Official Map: The maps designated in Chapter 107 hereof as the Official Map of the Township of Lower Merion.

Off-Premises Sign: A sign which directs attention to a business, product, commodity, service, event, facility, or other commercial or non-commercial activity not located, conducted, sold or offered upon the premises where such sign is located or which calls public attention to a candidate, cause or public issue. Also referred to as a billboard.

Open Air Retail: A retail sales business operated substantially in the open air including, but not limited to: flea markets, and the like, and excluding car sales, equipment sales, boat sales, and home and garden supplies and equipment. See "Table 5.4 Use Consolidation".

Open Space: Any parcel or area of land or water essentially unimproved by permanent buildings ~~and open to the sky, such space shall be reserved for public or private use.~~

Outdoor Dining Area: An open-air space related to a food and beverage service facility that accommodates dining but not food preparation, and is furnished to preclude wind-blown trash.

Owner: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he/she is authorized under the lease to exercise the rights of the owner, or other person having a proprietary interest in land.

Park: A tract of land owned by the Township or its designee, designated for and used by the public for active or passive recreation. A natural preserve available for unstructured or structured recreations programs.

~~**Park-and-ride Lot:** Lot where people park their cars and then board transit vehicles or other automobiles (including carpooling) for transportation to another location.
Parking, Off-site: Spaces provided for vehicles and located outside of the boundaries of the Lot to be served.~~

Parking Facility: A facility providing either off-street parking and/or parking in a Structure.

Parking, Off-Site: Spaces provided for vehicles and located outside of the boundaries of the Lot to be served.

Parking, Off-street: Marked or unmarked parking located within a Lot and outside a private or public right-of-way.

Parking, On-street: Marked or unmarked parking located outside of a Lot and within a private or public right-of-way.

Parking Structure: Parking located above ground and/or underground consisting of one or more levels; not surface parking.

Parking Structure, Public: A single or multistory parking structure owned, leased or rented by a federal, state, or local government agency, which is used for short-term parking of vehicles by the general public.

Parking, Tandem: The placement of vehicles one behind the other as opposed to side by side.

Parking, Underground: Parking structure in which the roof or ceiling of the top level does not rise above the first floor elevation of the building, and does not rise more than three (3) feet above any adjoining sidewalk.

Pedestrian-oriented Design: The design of communities, neighborhoods, streetscapes, sites and buildings that emphasizes pedestrian access, walking comfort and visual interest.

Pedestrian-oriented Street: A street where adjacent uses generate and encourage foot traffic.

Pedestrian Passage: A public open space restricted to pedestrians, bicycles, and limited vehicular access that connects, streets, plazas, alleys, garages, and other public use spaces.

Pedestrian Scale: The size and proportion of physical environmental elements that closely relate to the human body.

Pedestrian Shed: An area, approximately circular, of a quarter (1/4) mile radius, about the distance of a five-minute walk, that is centered on a common destination. The Pedestrian Shed determines the approximate size of a Neighborhood. A Linear Pedestrian Shed is elongated to follow a commercial corridor, and may measure a half (1/2) mile out from the center.

Pedestrianway: A public or private linear space or an area where the primary users are pedestrians and that may also accommodate bicyclists.

Pennant Sign: A triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles, intended to flap in wind.

Pennsylvania Uniform Condominium Act: 68 Pa.C.S.A. § 3101 et seq., Pennsylvania Act of July 2, 1980, P.L. 286, No. 82, and any amendments or successor legislation thereto.

Performance Guaranty: Any security which may be required of a developer by the Township in lieu of a requirement that certain improvements be made before the Township approves the developer's subdivision plan or land development plan. Such security may include but is not limited to performance bonds, escrow agreements, surety agreements or other collateral.

Pergola: An arbor or passageway with a roof or trellis work on which climbing plants can be trained to grow.

Personal Expression Sign: An on-premises sign that expresses an opinion, interest, position, or other non-commercial message.

Pervious Pavement System: A porous surface system with a stabilized base that allows water from precipitation and other sources to pass directly through, thereby reducing the runoff from a site, allowing groundwater recharge, and naturally cooling the surface through evaporation of water from pavement voids or from beneath.

Place of Assembly: A ~~commercial~~ facility for public assembly including, but not limited to: conference facilities, convention centers, exhibition halls, major sports facilities, theaters, cinemas, performing arts centers, and the like, excluding adult entertainment. ~~See "Table 5.4 Use Consolidation".~~

Planning Agency: The Lower Merion Township Planning Commission and the Building and Planning Department of Lower Merion Township. Each planning agency shall have those duties assigned to such agency in the Township Code.

Porch: An open-air space attached to a Building, with floor and roof but no walls on the sides, usually facing Frontages.

Porte-cochère: A covered vehicular arrival area at the entrance of a building.

Portico: A Porch or walkway with a roof supported by columns, leading to the entrance of a Building.

Preservation Area: An area or areas of land and/or water established to preserve open space and to protect natural features, cultural landscapes and wildlife habitat. The preservation area shall be free of structures of any kind, including, but not limited to, playground equipment, play sets, play houses, tree houses, netting, sheds or similar appurtenances, with the exception of historic buildings and their associated paved areas.

Primary Arterial: See Streets, Primary Arterial.

Primary Front Façade: The Façade of a building facing onto a public or private Street, or Pedestrianway, but shall not include a rear alley.

Principal Building: A Structure used to enclose or house the primary use(s) located on a Lot; the main Building on a Lot, usually oriented toward the street.

Private School: See School. ~~See "Table 5.4 Use Consolidation".~~

Projecting Sign: A building- mounted, double-sided sign which is mounted perpendicular to a building's façade.

Property Line: Demarcation of property ownership.

Public Gathering Space: Private outdoor space where the public is directly or indirectly invited to visit or permitted to congregate.

Public Parking Structure: A facility owned, leased or rented by a federal, state or local government agency, which is available to the general public for short-term parking of motor vehicles, including parking lots and garages.

Public School: An educational facility operated by or under agreement with the Lower Merion School District pursuant to the Public School Code of 1949, as amended. ~~See "Table 5.4 Use Consolidation".~~

Public Service Sign: A sign posted at a site to promote and advertise a service sponsored by the Township, school district, church, public agency, civic association or other nonprofit public agency.

Public Utility: An entity regulated by the Pennsylvania Public Utility Commission.

~~**Quad:** An arrangement of two attached buildings connected by a common party wall extending vertically from the ground or basement level to the roof of the building designed for and occupied exclusively as a permanent residence for four Families, with each half of the building having two Families living wholly or partly over the other. A building designed for and occupied exclusively as a permanent residence for two Families, with one Family living wholly or partly over the other, and having a party wall in common with an adjacent building. See "Table 5.4 Use Consolidation".~~

Railroad Right-of-way: The surface, air space above the surface and the area below the surface of any railroad.

Rain Garden: A bio-retention area; a shallow surface depression designed to accept runoff from adjacent surfaces and retain or detain stormwater before it is infiltrated or discharged downstream, planted with specially selected native vegetation to capture and treat runoff.

~~**Rear Lot:** See Narrow Lot. A lot which has less than the required width at the street line and at the building line but which meets the minimum lot width at the point of the proposed building closest to the street and extending the full depth of the building plus 25 feet.~~

Receiving Parcel: A parcel of land in the Open Space Preservation District where the landowner/authorized agent may attach development credits, directly or by intermediate transfers, from a sending parcel, and on which increased density and/or intensity is allowed by reason of the transfer of development credits.

Recreation, Active: Those recreational pursuits which require physical alteration to the area in which they are performed. Such areas are intensively used and include, but are not limited to, playgrounds, ball courts, golf courses and swimming pools.

Recreation, Passive: Recreational pursuits which can be carried out with little alteration or disruption in the area in which they are performed. Such uses include, but are not limited to, hiking, biking and picnicking.

~~**Recreational Establishment:** A place of business facility providing leisure activities such as but not limited to: health and fitness facilities, exercise equipment, swimming pools, sports courts, skating rink, exercise classes, spa, and sports massage and treatment. See "Table 5.4 Use Consolidation".~~

Recreational Vehicle: A vehicle which is:

- 2.1.0.a. Built on a single chassis;
- 2.1.0.b. Not more than 400 square feet measured at the largest horizontal projections;
- 2.1.0.c. Designated to be self-propelled or permanently towable by a light-duty truck; and
- 2.1.0.d. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Redevelopment: The improvement of an existing Building and/or Lot requiring land development approval.

Reflective Sign: A sign containing any material or device, including mirrors or reflective paint, which has the effect of intensifying reflected light.

Religious: A building(s) or facility used for regular organized religious worship and related activities. ~~See "Table 5.4 Use Consolidation".~~

Religious Institution: See Definition of Uses, Institution.

Residential Religious: A structure containing a living arrangement owned or leased by a religious institution and operated as an integral part of that religious institution for the use of its members. ~~See "Table 5.4 Use Consolidation".~~

Restaurant: A building or an area within a building with four or more indoor tables (more than 12 chairs), used primarily for the purpose of furnishing to the public food to be consumed within the building, but not including a restaurant used primarily for drive-in or take-out services.

Retail: A business providing the sale and display of goods or sale of services directly to the consumer. Retail goods include: clothing, food, furniture, pharmaceuticals, books, used goods, and works of art. General retail services include, but are not limited to: barber shops, beauty salons, travel agencies, retail banking, real estate agent, retail dry cleaning, laundromat, and photo studios, and repair service establishments for small domestic products. ~~See "Table 5.4 Use Consolidation".~~

Retail Frontage Line: Frontage Lines designated on a master plan that require the ground level to be available for retail use.

Revolving Sign: A sign which revolves in a circular motion, rather than remaining stationary on its supporting structure.

Right-of-Way (ROW): A public or private easement for land, air space above the land, or area below the surface used for vehicular, pedestrian, transit or other right of passage, including a street, alley or crosswalk.

Roof Sign: A sign erected upon, against, or over the roof of a building.

Rowhouse: A building containing three or more dwelling units in which each unit extends vertically from the ground or basement level to the roof of the building and in which each dwelling unit is attached only by a party wall to one or more other similar dwelling units. Rowhouses in a single rowhouse building need not be in a straight row. ~~See "Table 5.4 Use Consolidation".~~

Satellite Earth Station: A dish antenna whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources.

Satellite Earth Station Height: The height of the apparatus measured vertically from the highest point of the apparatus, when positioned for operation, to the ground, except for roof-mounted antennas, where it shall be measured to the point where the antenna is affixed.

Scale: The spatial relationship among structures along a street or block front, including height, bulk and yard relationships. Scale also refers to the proportional relationship of the size of parts to one another and to the human figure.

School: Any public, parochial, private, charitable or non-profit school, including pre-school, elementary, middle and high school, college and university, which may include instructional and recreational uses, living quarters, dining rooms, and other incidental facilities.

Scoreboard: A sign contained within an athletic venue and intended solely to provide information to the attendees of an athletic event.

Screening: Method of visually shielding or obscuring one abutting or nearby structure or use from another.

Seasonal Decorations: Temporary signs or displays, including lighting, celebrating holiday seasons.

Secondary Arterial: See Street, Secondary Arterial.

Secondary Façade: Any exterior building wall other than a primary Front Façade.

Security Sign: An on-premises sign regulating the use of the premises, such as a "no trespassing," "no hunting," or "no soliciting" sign (also known as a warning sign).

Sending Parcel: A parcel of land in the sending zone from which the landowner may sever development credits, and after which those development credits that are severed and transferred may only be used for certain limited activities.

Senior Housing: Collectively includes 'Skilled Nursing Facilities' and 'Alternative Housing for the Elderly'.

Setback: The distance from the ~~Property Boundary~~ Line to the point where a Building may be constructed. This area must be maintained clear of permanent structures with the exception of Encroachments described in each District.

Setback, Front: A setback extending the full width of the lot along the street line and not less in depth, measured from the street line, than the minimum required in each district unless otherwise specified in this chapter.

Setback, Side: A setback extending along the same Lot line from the front setback to the rear setback and not less in width, measured from the side Lot line, than the minimum required in each district.

Setback, Rear: A setback extending the full width of the Lot along the rear Lot line and not less in depth, measured from the rear Lot line, than the minimum required in each district.

Setback, Predominant: The setback of existing buildings that may be allowed to supersede the setback required by the District for new buildings. ~~Also, Dominant Setback.~~

Shared Parking: Parking that is utilized by two or more uses taking into account the variable peak demand times of each use; the uses can be located on more than one lot.

Shared Residence for the Elderly or the Disabled: A shared residence for up to six elderly or disabled persons who are capable of self-preservation and desirous of living together as a family unit.

Shielded: A light source from which no direct glare is visible at normal viewing angles, by virtue of its being properly aimed, oriented, and located and properly fitted with devices such as shields, barn doors, baffles, louvers, skirts, or visors.

Sign: Any writing, symbol, figure, representation, logo, emblem, flag, banner, device, letter, word, street clock or temperature announcement, which shall include any announcement, declaration, demonstration, display, illustration, name identification, description or insignia, which is used to advertise or promote the interest of any person or firm when such representation is placed in view of the general public.

Sign Area: The total dimensions of a sign surface used to display information, messages, advertising, logos, or symbols. See §155-9.3.6 for standards for measuring sign area. The area of a sign shall mean the area of all lettering, wording, accompanying designs, logos, and symbols, together with the background on which they are displayed, whether open or enclosed. The area of a sign shall not include any supporting framework, bracing, or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols. Where the sign consists of individual letters, designs, or symbols attached to a building, awning/canopy, wall, window, or freestanding structure, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.

Single and Separate Ownership: The ownership of a Lot by one or more persons, partnerships or corporations, which ownership is separate and distinct from that of any Abutting or adjoining Lot. Ownership shall be considered separate and distinct where Lots have been separately described as such, by metes and bounds, in a recorded deed or conveyance prior to the enactment of an ordinance rendering one or more of such lots non-conforming and have continued since that date to be so separately described in all subsequent recorded deeds of conveyance.

Single-Family Dwelling (Detached): A free-standing building designed for and occupied exclusively as a permanent residence by a single Family, having no party wall in common with an adjacent building. See "Table 5.4 Use Consolidation".

~~**Single-Family Housing (Attached):** A free-standing building designed for and occupied exclusively as a permanent residence by a single Family, having a party wall in common with an adjacent building.~~

Single-Use Building: A single-use building is occupied predominately by one use. The building may include other ground floor uses by does not qualify as a mixed-use building.

~~**Nursing Home-Skilled Nursing Facility:** A resident care facility for more than six individuals involving extended stays, including but not limited to: skilled nursing, rehabilitation, continuing care, and assisted living; with household services and shared kitchen and dining.~~

Sloped Roof: A roof with a pitch of 6:12 or greater.

Snipe Sign: A sign attached to a tree, pole, stake, fence, public bench, streetlight, or other object, placed on public property, in the public right-of-way or on private property without the permission of the property owner (also known as a bandit sign).

Solid Waste: Discarded material including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Also garbage, rubbish, sludge, special waste. ~~See "Table 5.4 Use Consolidation".~~

Special Exception: Approval process pursuant to the requirements of Article 11.

Special Flood Hazard Area (SFHA): An area in the floodplain subject to a one-percent-or-greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or AH.

Specialized Retail: A place of business providing goods and services that are not usually considered part of a continuous pedestrian retail environment, including but not limited to animal hospital, pawn shop, marijuana dispensary, funeral home, storage, and garage. ~~See "Table 5.4 Use Consolidation".~~

Specimen Tree: A unique, rare or otherwise specifically selected plant or tree which most typically represents a whole class or group, specifically in shape, form, historical importance or any other characteristic which may be designated as a specimen tree by the Shade Tree Commission of the Township.

Start of Construction: The date the permit was issued for construction, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit and shall be completed within 12 months after the date of issuance of the permit, unless a time extension is granted in writing by the floodplain administrator. The actual start of construction either the first placement or permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction begins with the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State: The Commonwealth of Pennsylvania.

Stepback: A setback in the Façade of the Building above the lower levels. ~~The lower stories of the Building Façade create a Streetwall that defines the space of the Street corridor and is visible to the pedestrian. A Stepback allows the total height of the building to be greater than the Height of the Street-wall, and less visible to the pedestrian on the Street.~~

Stoop: A frontage wherein the façade is close to the frontage line, with the first story elevated above the sidewalk sufficiently to secure privacy for the windows, and a raised entrance with an exterior stair or ramp and landing.

Storage & Distribution: A facility for: the receipt, storage, handling, and distribution of materials and merchandise; receiving, dispatching, or consolidating goods in transit by road, rail, air, or sea; individually leased storage units. ~~See "Table 5.4 Use Consolidation".~~

Storefront: The exterior façade of a commercial building visible from a street, sidewalk, parking area, or other public way containing an entrance to an establishment.

Storm Drainage Area: The area of land surface, expressed in acres or a percentage thereof, which slopes in such a manner so as to carry the precipitation which flows over the land surface, during and for a short time after a storm, to a common low point.

Story: A level within a building by which height is measured. The distance in a structure between the upper surface of a floor and the upper surface of the floor or roof next above, ~~generally between 10 and 16 feet.~~

Streamers: A display made of lightweight, flexible materials, consisting of long, narrow, wavy strips hung individually or in a series, with or without a logo or advertising message.

Street: A right-of-way, publicly or privately owned, serving as a means of vehicular and pedestrian travel, furnishing access to Abutting properties, and shown on the Official Highway Map of the Township, but not including an Alley, common driveway, or access easement.

Street Address Plaque: A small sign mounted to the front or side of a building at pedestrian level, or dimensional letters mounted above the door, conveying the numerical street address of the building.

Street, Freeway Arterial: Regional routes shown on the Official Highway Map serving as a means of vehicular travel connecting major population centers and carrying high volumes of traffic for considerable distances at maximum safe speed.

Street Line: The boundary line of a street right-of-way.

Street, Minor: Local routes shown on the Official Highway Map serving as a means of vehicular travel primarily to give access to Abutting properties and not intended to carry through traffic.

Street Pole Banner: A banner suspended above a public sidewalk and attached to a single street pole. See Chapter 133-2.1

Street, Primary Arterial: Through routes shown on the Official Highway Map serving as a means of vehicular travel linking local regions with each other and with points of access to expressways, carrying a heavy flow of traffic but with controlled access from intersecting Streets and Abutting properties.

Street, Secondary Arterial: Feeder or collector Street shown on the Official Highway Map serving as means of vehicular travel linking local communities, connecting neighborhoods to primary arterials and designed to distribute traffic from local generators to tertiary arterials and minor Streets.

Street, Tertiary Arterial: Routes shown on the Official Highway Map serving as means of vehicular travel connecting local neighborhoods and minor roads to secondary systems, providing access to abutting properties and not intended to carry through traffic except to the nearest secondary road.

Streetscape: The physical components of streets, the urban element that is the major part of the public realm, composed of: the street pavements for vehicles, bicycles and pedestrians; amenities such as trees and plantings, and furnishings such as streetlights, bollards and benches; and the visible fronts of abutting properties including fences, yards, porches, and facades.

Streetwall: ~~The main wall of a structure that is closest to and most nearly parallel with the Abutting street. The lower Stories of the Building Façade create a Streetwall that defines the space of the Street corridor and is visible to the pedestrian.~~

Streetscreen: A freestanding visual barrier built along the Frontage Line or in line with the Façade, often for the purpose of masking a parking lot from the Street.

Structural Alteration: Any change in or addition to the supporting or structural members of a building, such as the bearing walls, partitions, columns, beams or girders, or any change which would convert an existing building into a different structure or adapt it to a different use or which, in the case of a nonconforming use, would prolong the life of such use.

Structure: Any form or arrangement of building materials involving the necessity of providing proper support, bracing, tying and anchoring to a fixed location on or below the surface of the ground.

Structure in a Floodplain: Any form or arrangement of building materials involving the necessity of providing proper support, bracing, tying and anchoring, including a gas or liquid storage tank that is principally above ground, and including a Manufactured Home.

Student ~~Home~~ Housing: A living arrangement, including a student home, for students; unrelated by blood, marriage or legal adoption, attending or about to attend a college or university or who are on a semester or summer break from studies at a college or university, or any combination of such persons. Student homes shall not include fraternities, sororities or community residential programs. ~~See "Table 5.4 Use Consolidation".~~

Student Residence Hall: A Structure containing a living arrangement owned or leased by an educational institution and operated as an integral part of that educational institution for the use of its students and faculty.

Subdivision: The division or re-division of a lot, tract or parcel of land by any means into two or more Lots, tracts, parcels or other divisions of land, including changes in existing Lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or Building or Lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new Street or easement of access or residential dwelling, shall be exempted. "Subdivision" shall include the merger of two or more lots into a lesser number of lots and the mortgage of less than all of a Lot.

Substantial Damage: Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition or other improvements of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. This term does not, however, include either:

- 2.1.0.a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the Director of Building and Planning and which are the minimum necessary to assure safe living conditions; or
- 2.1.0.b. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

Substantially Completed: Where, in the judgment of the Township Engineer, at least 90% (based on the cost of the required improvements for which financial security has been posted pursuant to [Sec. 135-5](#) of this chapter) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

Swale: A natural channel or other low-lying stretch of land which collects or carries surface water runoff.

Swimming Pool: A structure designed for swimming and/or wading, constructed or installed either below or above ground and designed to contain or capable of containing water 24 inches or more in depth.

Tech Research: A place, building or portion of a building involving the gathering of data and market research and the analysis of same, but excluding any laboratory research, animal or bench research and human experimentation. ~~See "Table 5.4 Use Consolidation".~~

Temporary Sign: A type of non-permanent sign that is located on private property.

Terminated Vista: A location at the axial conclusion of a Street or other public space.

Tertiary Arterial: See Street, Tertiary Arterial.

Theater: A building or part of a building devoted to showing motion pictures or for dramatic, musical or live performances.

Tilling of Soil: Activity related to the movement of earth in the production of food crops, trees, flower, or other flora for agricultural or commercial purposes. ~~See "Table 5.4 Use Consolidation".~~

Townhouse: See Rowhouse.

Township: The Township of Lower Merion.

Toxic Chemicals: Include, but are not limited to: acetone, ammonia, benzene, calcium carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, hydrocyanic acid, magnesium, nitric acid and oxides of nitrogen, petroleum products, phosphorus, potassium, sodium, sulphur, pesticides.

Trailer Camp: Any premises used as a parking space for more than one house trailer. ~~See "Table 5.4 Use Consolidation".~~

~~**Transect:** A system of ordering human habitats in a range from the most natural to the most urban. Transect Zones describe the physical character of place at any scale, according to the density and intensity of land use and urbanism.~~

Transfer of Development Credits: The procedure prescribed by this Chapter whereby development credits may be severed from a sending parcel and utilized for additional development on a receiving parcel, held for later use or extinguished; and the procedure whereby owners of development credits, currently or previously appurtenant to a sending parcel, convey some or all of those credits to another party, including landowners/assignees of receiving parcels. The terms "development credits" and "development rights" are synonymous as used herein.

Transferee or Buyer or Grantee: With respect to transferable development rights, the person or legal entity who purchases or otherwise receives development credits and who may apply the development credits to a receiving parcel, hold them, or subsequently sell or otherwise transfer the development credits.

Transferor or Seller or Grantor: With respect to transferable development rights, the owner of development credits and/or the owner of a sending parcel who severs and then sells, grants or otherwise transfers the development credits associated with the sending parcel to another person or entity.

Transit Facility: A facility providing accommodations for a transportation system, including: bus terminal, railroad station, and freight terminal. ~~See "Table 5.4 Use Consolidation".~~

~~**Transit-oriented Development (TOD):** Moderate and high-density housing and commercial uses concentrated in mixed-use structures located within a fifteen-minute walking distance of a transit facility and core commercial area. The location, design, and mix of uses in a TOD are oriented and designed for pedestrian use and to encourage the use of public transportation.~~

Transition Line: A horizontal line spanning the full width of a facade, expressed by a material change or by a continuous horizontal articulation such as a cornice or a balcony.

Twin: A building designed for and occupied exclusively as a permanent residence for only one Family, and having a party wall in common with an adjacent building.

Type: A category determined by use, disposition, or configuration, including size or extent, such as street types, yard types, etc.

Under Canopy Sign: A sign which is mounted entirely under a canopy or the roof of a covered walkway or pedestrian arcade.

Uninhabitable Attic: An unfinished area that does not provide adequate ceiling height for occupation per Building Code.

Uninhabitable Basement: An unfinished area below a structure that does not provide adequate ceiling height for occupation per Building Code.

Urban Design: The intentional formation in terms of both beauty and function of human settlement, combining elements, among others, of urban planning, architecture, landscape architecture and traffic engineering.

Urban Form: The spatial arrangement of a particular environment, as defined by built form, mass and space, the natural environment, and the movement of persons, goods and information.

Use: The purpose or activity for which land, water or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.

Usable Satellite Signals: Satellite signals from the major communications satellites that, when viewed on a conventional television set, are at least equal in picture quality to those received from local commercial television stations or by way of cable television.

Variance: ~~A deviation from particular arrangements of the Zoning Code granted by the Zoning Hearing Board when strict enforcement would cause undue hardship because of circumstances unique to the property. Permission or approval granted by the Zoning Hearing Board constituting a modification of or relief from the exact provisions of this chapter as applied to a specific piece of property.~~

Vehicle Lift: An unenclosed skeletal structure without walls designed to mechanically lift one or more motor vehicles above grade for the purpose of temporary storage.

Viewshed: That portion of the landscape which can be readily viewed by the observer from one or more vantage points. The extent of area that can be viewed is commonly delineated by land form, vegetation and/or distance.

Village: A compact commercial center with a core of mixed-use commercial, residential and service uses. A village typically has a recognizable center, identifiable physical boundaries, and a pedestrian scale and orientation.

Viable Tree: A tree capable of surviving and germinating, and having a reasonable chance of succeeding.

Violation, Floodplain: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. Existing structures built prior to the date the Floodplain District was enacted that have not been substantially improved shall not be considered in violation of the floodplain provisions.

Visual Permeability: The ability of vertical surfaces to allow viewers to see through to the other side, e.g., windows and open fences.

Walking Radius: The distance a person is willing to walk, from a given point. This distance varies depending on existing barriers, the walking environment and the availability of destinations.

Wall Plaques: Small pedestrian-oriented information signs that may convey information such as hours of operation or take the form of directories, menu cases, or convey historical building information.

Wall Sign: A sign erected against or painted on the wall of any building, displayed on windows or doors or displayed with the exposed face thereof in a plane parallel to the face of said wall, ~~window or door and which said sign is mounted from the wall at a distance measured perpendicular to said wall of not greater than 12 inches, when the face of the wall is on or in the right-of-way, and not greater than 16 inches on all other walls. Any sign painted on a wall shall be considered a wall sign.~~

Watercourse: Any natural or artificial swale, stream, channel, drain or culvert in which water flows continuously or intermittently.

Wetland: Those areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions; or as further defined and delineated by the United States Army Corps of Engineers, the United States Environmental Protection Agency or the Pennsylvania Department of Environmental Protection.

Window Sign: A sign that is applied, painted, or affixed to a window, or placed inside a window, within three (3) feet of the glass, facing the outside of the building, and easily seen from the outside. Customary displays of merchandise or objects and material without lettering behind a store window are not considered signs.

Wireless Communication Facility: Any unstaffed facility for the transmission and/or reception of wireless communication services, usually consisting of an antenna array or micro facility, connection cables, an equipment facility and a support structure or attachment structure to achieve the necessary elevation.

Wireless Communication Service: Any personal wireless service as defined by the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services, including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar services that currently exist or that may in the future be developed.

Woodland: An area characterized by a more or less dense and extensive tree cover; more particularly, a plant community predominantly of healthy trees and other woody vegetation, well-stocked and growing more or less closely together.

Yard: The distance from the Property Line to the point where a Building may be constructed. This area must be maintained clear of permanent structures with the exception of Encroachments described in each District. See Setback.

Yard, Front: A yard extending the full width of the lot along the street line and not less in depth, measured from the street line, than the minimum required in each district.

Yard, Rear: A yard extending the full width of the Lot along the rear Lot line and not less in depth, measured from the rear Lot line, than the minimum required in each district.

Yard, Side: A yard extending along the same Lot line from the front yard to the rear yard and not less in width, measured from the side Lot line, than the minimum required in each district.

Yield Map: A plan prepared in accordance with underlying zoning and subdivision regulations which documents and quantifies permitted density.

Zoning Hearing Board: A three-member board appointed by the Township of Lower Merion Board of Commissioners to hear and decide appeals from the Zoning Officer, variances and special exceptions and to hear challenges to the validity of this chapter or the Zoning Maps.

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