

Edits from Zoning Code 3.0 to Zoning Code 3.1

The following edits were approved by the Board of Commissioners at the July 31, 2019 Building & Planning Committee and have been incorporated into draft 3.1 of the Zoning Code for adoption on September 18, 2019. The edits are listed by Article and Section number in the order they appear in the Zoning Code. Substantive changes are shown in bold, underlined text. Minor edits are not bolded.

Zoning Map			
Change the zoning district for the portion of 2 W. Montgomery Avenue (Parcel # 400012652205- located at the intersection of Anderson Avenue and Montgomery Avenue) zoned MDR3 to MDR2.			
Throughout the Code			
Replace all 'Day Care' and 'Day-Care' with 'Daycare'			
All references to the sub-districts in CAD (RCA, BCR & BV) to include CAD- i.e. "CAD- RCA, CAD-BCR, CAD-BV"			
Remove all references to 'morals'			
Replace all 'Drive through' and 'Drive-thru' with 'Drive-through'			
Page #	Code Section	Change Description	Change Type
TABLE OF CONTENTS			
—	—	155-6.8 <u>City Avenue District - Bala Village</u> (CAD -BV)	Typo
—	—	Article 10: Supplemental Use Regulations and <u>&</u> Nonconformities	Typo
—	—	155-10.2 Alternative Housing Options For The <u>for the</u> Elderly	Typo
—	—	155-10.4 Conversion Of of <u>Building To</u> Adult Daycare	Typo
—	—	155-10.8 Conversion Of of <u>Building To</u> Emergency Mandated Service	Typo
TABLES & FIGURES			
—	—	Table 9.2 General Sign Type Standards and <u>&</u> Regulations	Typo
ARTICLE 1: INTRODUCTION			
11	1.1.5.g.i.	Institutional Natural and Open Space Preserve (IN): IN is intended to collectively define sites and buildings for three -types of Uses: <u>including but not limited to</u> cemeteries, and environmental and open space preserves, <u>golf clubs, and residential religious</u> .	
ARTICLE 2: DEFINITIONS			
17	—	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.	PC Rec.
Addition		<u>Craft Production: The manufacturing by hand with or without the aid of tools. Crafting may include model making, rug weaving, furniture making and similar small crafts.</u>	PC Rec.
22	—	Director of Building and Planning: A Township of Lower Merion official, formerly known as the "Director of Building Regulations," whose duties include, as Zoning Officer, the administration of this chapter.	

Page #	Code Section	Change Description	Change Type
30	—	The terms between “Inflatable Sign” and “Land Development” will be re-ordered in alphabetical order.	
30	—	Institutional Housing: Collectively includes sites or buildings operated for the provision of housing and health <u>and long-term</u> care services for the elderly <u>and people with disabilities</u> .	Consistency
30	—	Institutional Natural Preserve: Collectively includes sites and buildings operated for three types of uses: <u>including, but not limited to</u> cemeteries, golf clubs and environmental and open space preserves, <u>golf clubs and residential religious</u> .	Consistency
39	—	Residential Religious: A structure building or site containing a living arrangements owned or leased by a religious institution and operated as an integral part of that religious institution for the use of its members.	Clarification
46		Transit Facility: A facility providing accommodations for a transportation system, including: bus terminal, <u>and</u> railroad station, and freight terminal .	
47	—	Viable Tree: A tree capable of surviving and germinating and having a reasonable chance of succeeding.	
ARTICLE 3: GENERAL TO DISTRICTS			
51	3.3.1.h	Remove number without text.	Typo
52	3.4.7.a	For buildings less than three stories, the distance between two or more <u>principal</u> buildings on the same lot shall be a minimum of 20 feet or no less than the height of the taller building, whichever is greater.	Clarification
63	3.7.3.e	Wood frontage fences shall have slats between 3.5 inches and 5.5 inches, with a minimum spacing of 2.5 inches and a maximum of 5.5 inches. (PC Recommends modifying the width between the slats. Revised language may be considered in the future.)	PC Rec.
64	TABLE 3.7.1 FENCE HEIGHT	Change the maximum fence height in the Frontage from 5 ft. to 4 ft.	PC Rec.
65	TABLE 3.7.2 FENCE TYPE BY DISTRICT	Remove reference to SDs- “MC & BMMD”, “BMV”, “RHR & CAD”	Typo
70	3.11.4	Lighting sources for parking garage roof top decks shall be shielded to protect adjacent streets and properties from light glare. Interior light sources <u>within</u> footprints along the perimeter of garages shall not be visible from surrounding streets and properties.	Typo
ARTICLE 4: DISTRICT SPECIFIC STANDARDS			
80	TABLE 4.1.3 LDR3 DIMENSIONAL STANDARDS	Remove “Primary Frontage: none” since there is no requirement	Typo

Page #	Code Section	Change Description	Change Type
84	4.2.3.b.i. 4.2.3.b.i.(1) 4.2.3.b.i.(2)	Remove duplicate language- provided for in 155-3.3.1.g. (pg. 51) which applies to all districts.	Typo
84	4.2.4.a	4.2.4 Use regulations and standards shall be according to “Article 5: Uses”. 4.2.4.a In MDR1-Districts, only one principal use and one principal building shall be permitted on a lot	Typo
91	FIGURE 4.2.3 MDR3 FORM ILLUSTRATION	Illustration to be modified to reflect proposed standards.	
92	4.3.2.c.	Building Frontage shall be according to “Table 4.3 Commercial Center Form Standards”. When parking is at the rear of the lot, pedestrian access to parking shall be spaced at a maximum 300 feet apart. (Relocate removed text)	Relocated Text
92	4.3.2.d.iv-v	4.3.2.d.iv. <u>When parking is at the rear of the lot, pedestrian access to parking shall be spaced at a maximum 300 feet apart.</u> 4.3.2. iv . Exceptions include: 4.3.2.d. iv .1). Where a courtyard or garden may be accessed from the street. 4.3.2.d. iv .2). Access to parking according to section 8.6.4.d.	Relocated Text
93	4.3.3.e.i	4.3.3.e. The height of a non-residential building in TC1 may be increased up to four stories provided the development complies with 4.3.3.e.1. 4.3.3.e.i. A minimum of ± 2,000 square feet of dedicated contiguous public gathering space is provided for any lot with less than ± 20,000 square feet of land area. A minimum of 5 10% of the total lot area shall be dedicated to contiguous public gathering space for lots over ± 20,000 square feet. Land area dedicated to public ingress/egress easements shall not be included in the total lot area calculation for demonstrating compliance with the 5 10% of public gathering space requirement.	
93	4.3.7.b.iii.	Remove number without text.	Typo
100	4.4.2.a	Institutional Natural Preserve (IN) is intended to collectively define sites and buildings operated by the private or public sectors for two types of Uses: <u>including but not limited to</u> cemeteries, and environmental and open space preserves, <u>golf clubs, and residential religious.</u>	Clarification
100	4.4.2.b.	Institutional Civic (IC) is intended to collectively define community benefit <u>communally beneficial</u> land uses, including but not limited to organizations dedicated to the arts and culture, social and religious use, senior housing, wellness and recreation.	Consistency

Page #	Code Section	Change Description	Change Type
100	4.4.2.c.	Institutional Education (IE) is intended to collectively define sites or buildings operated by the private or public sectors for the provision of full-time or part-time educational services for students of all ages.	Clarification
100	4.4.2.d.	Institutional Housing (IH) is intended to collectively define sites or buildings operated by the private or public sectors for the provision of housing and health and long-term care for the elderly and people with disabilities.	Clarification
100	4.4.3.d.	Under the following circumstances an Institutional District property may exceed these requirements provided a Campus Plan in accordance with Chapter 135 is approved by the Board of Commissioners; <u>shall be required:</u>	Clarification
100	4.4.3.d.i.	<u>An applicant seeks to exceed the allowable base</u> The total impervious surface on a lot may exceed the allowable impervious surface shown as set forth on Table 4.4 "Institution Form Standards" by up to a maximum of 5- <u>15%</u> impervious surface <u>(the actual percentage shall be determined by the Board of Commissioners prior to the time of adoption).</u> The additional impervious surface may only be achieved through the submission and approval of a Campus Plan.	
100	4.4.3.d.ii.	<u>An applicant seeks to expand the impervious surface on a</u> A lot legally in existence on July 31, 2019, which became nonconforming to such impervious surface provisions may expand the impervious surface on such lot by up to 5%. The additional impervious surface may only be used once and is achieved through the submission and approval of a Campus Plan. Public schools are not subject to a Campus Plan, and therefore are not eligible for this provision.	
101	4.4.4.a.i.	Removed language to be included in SALDO: Impervious Surface may be modified up to the limits in "Table 4.4 Institution Form Standards" by process of Campus Plan on properties within the Institutional District, where one or more of the following public benefits are provided by a recorded covenant or Deed of Easement: public access to recreational facilities and public walking trails; historic resource, open space and scenic view shed designation.	
102	4.4.6.c.iii.(3)	Remove reference to SD- "Special Districts Regulated by Article 6"	Typo
107	TABLE 4.4.3. INSTITUTION EDUCATION (IE) -	Revise Note 2 to include the following language "Should an institution submit a campus plan, they may achieve an additional 5- <u>15%</u> impervious surface <u>(the actual percentage shall be determined by the Board of Commissioners prior to the time of adoption).</u>	
107	TABLE 4.4.3 INSTITUTION EDUCATION (IE)	Maximum 5 stories where setbacks are increased by an additional 50 ft. for each story above 3 stories. Buildings may be 5 stories or 52 <u>65</u> ft. in height without an increased setback along the primary road.	Typo

Page #	Code Section	Change Description	Change Type
107	TABLE 4.4.3 INSTITUTION EDUCATION (IE)	Revised the table to increase the principal building height from “3 stories up to 40 5 ”	
107	TABLE 4.4.3.A INSTITUTION EDUCATION (IE) - PUBLIC SCHOOLS	Revised the table to increase the principal building height from “3 stories up to 40 5 ”	
107	TABLE 4.4.3.A INSTITUTION EDUCATION (IE) - PUBLIC SCHOOLS	Maximum 5 stories where setbacks are increased by an additional 50 ft. for each story above 3 stories. Buildings may be 4 5 stories or 52 65 ft. in height without an increased setback along the primary road.	Typo
107	TABLE 4.4.3.A INSTITUTION EDUCATION (IE) - PUBLIC SCHOOLS	Revise Note 2 to remove the following language: A lot legally in existence on July 31, 2019, which became nonconforming or within 5% of the maximum impervious surface permitted, to such impervious surface provisions may expand the impervious surface on such lot by up to 5%.	
107	TABLE 4.4.3.A INSTITUTION EDUCATION (IE) - PUBLIC SCHOOLS	Revise Note 2 to add the following language: <u>Should an institution submit a campus plan, they may achieve an additional 5-15% impervious surface (the actual percentage shall be determined by the Board of Commissioners prior to the time of adoption).</u>	
ARTICLE 5: USES			
116	5.1.6.b.	Remove crossed out text.	Typo
120	TABLE 5.1 USES	Include rowhouse as a ‘R’ regulated use in CAD	Typo
120	TABLE 5.1 USES	Remove Alternative Housing for the Elderly as a ‘R’ regulated use in CAD	Typo
122	TABLE 5.2 USES FOR INSTITUTIONS	Add Residential Religious as a permitted use ‘P’ in the IN District.	

Page #	Code Section	Change Description	Change Type
123	TABLE 5.3 USE REGULATIONS	<p>Revise the Student Housing Regulations in LDR as follows:</p> <p>Student homes shall only be authorized as a special exception, subject to the following regulations:</p> <ul style="list-style-type: none"> • A maximum of three students per dwelling is permitted • A maximum of one student per bedroom in any dwelling unit. • A special exception authorizing a student home shall expire without further action by the Township unless the use is registered in conformity with Chapter 92 of the Lower Merion Code. • Minimum distance requirement from another approved student housing shall be 1,000 feet <u>20 times the minimum lot width required in the zoning district, or 1,000 feet, whichever is greater, up to a maximum separation of 1,800 feet.</u> 	
124	TABLE 5.3 USE REGULATIONS	<p>Revise the Student Housing Regulations in MDR as follows:</p> <p>Student homes shall only be authorized as a Special Exception, subject to the following regulations:</p> <ul style="list-style-type: none"> • A maximum of three students per dwelling is permitted. • A maximum of one student per bedroom in any dwelling unit. • A special exception authorizing a student home shall expire without further action by the Township unless the use is registered in conformity with Chapter 92 of the Lower Merion Code. • Minimum distance requirement from another approved student housing shall be 1,000 feet <u>20 times the minimum lot width required in the zoning district, or 1,000 feet, whichever is greater, up to a maximum separation of 1,800 feet.</u> <p><u>In MDR2 & MDR3:</u></p> <ul style="list-style-type: none"> • A maximum of 40% of the dwelling units in a multi-family building may be occupied as student home units, up to a maximum of 20<u>5</u> units. <p><u>In MDR1:</u></p> <ul style="list-style-type: none"> • <u>The number of student housing units permitted shall be limited to one per property.</u> 	

Page #	Code Section	Change Description	Change Type
124	TABLE 5.3 USE REGULATIONS	Remove reference to 'Skilled Nursing Facility'. This use was recommended to be removed as an incentive use (see Article 7 below); therefore, this regulation is unnecessary.	
129	TABLE 5.3 USE REGULATIONS	Remove Environmental use regulations this is duplicate text to page 128.	Typo
133	TABLE 5.3 USE REGULATIONS	Remove 'Marijuana Processing Center', regulations provided for in below 'General Industrial'	Typo
134	TABLE 5.3 USE REGULATIONS	Remove regulation for Hospital Use in the MC District. It is a permitted use without regulation.	
136	TABLE 5.3 USE REGULATIONS	Revise the Student Housing Regulations in BMV as follows: BMVD 1, 3 & 4: <ul style="list-style-type: none"> A maximum of 40% of the dwelling units in a multi-family building may be occupied as student home units, up to a maximum of <u>205</u> units. 	
135	TABLE 5.3 USE REGULATIONS	Add: Food & Beverage- Regulated- Excludes a drive-through facility.	
136	TABLE 5.3 USE REGULATIONS	Skilled Nursing Facility: This use was recommended to be removed as an incentive use (see Article 7 below); therefore, this regulation is unnecessary: In a Class I Historic Resource, shall only be authorized as a Conditional Use, subject to the requirements of "7.1.3 Permitted Uses for Class I Historic Resources"	
139	TABLE 5.3 USE REGULATIONS	Add: Religious – Special Exception – Shall only be authorized as a special exception per Article 11.	
ARTICLE 6: SPECIAL DISTRICTS			
145	6.1.3.d.ii	Chimneys, enclosed stairwells, roofed and unenclosed roof terraces and roof trellises, and uninhabitable ornamental building features, may be allowed to exceed maximum building height up to an additional ten <u>twelve</u> feet, and occupy a maximum 20 percent of roof area.	
157	TABLE 6.2 BMMD BRYN MAWR MEDICAL DISTRICT	Note #5 - Change the reference from 5 to 4.	Typo
163	6.4	Remove reference to SD4.	Typo
170	6.4.8.b.vii.	6.4.8.b.vii.(4) through 6.4.8.b.vii.(7) should be indented.	Typo
192	TABLE 6.7.1 CAD-BCR HEIGHT STANDARDS	Adjust map to grey-out areas located outside of the BCR.	Clarification
193	TABLE 6.7.2 - BALA CYNWYD RETAIL DISTRICT (CAD-BCR)	Update table to include Frontage Yard Types and Façade Types to be consistent with RCA. (Frontage Yard Types: Shallow Yard, Urban Yard, Pedestrian Forecourt, Vehicular Forecourt = Permitted; Façade Types: Stoop, Arcade/Colonnade, Gallery & Storefront = Permitted)	

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ARTICLE 7: CONSERVATION & PRESERVATION OVERLAYS			
208	7.1.2.h.	Remove duplicate text as 7.1.2.g.	Typo
209	7.1.7	Additional requirements for Class I and <u>or</u> Class II Historic Resource	Typo
209	7.1.7.a.iv	Remove language- duplicate to 11.1.8.n	Typo
209	7.1.8.a.	7.1.8 Relief from Specific Form Standards 7.1.8.a. The impervious surface and setback standards in the underlying zoning district may be modified by up to 15% for properties containing Class I and <u>or</u> Class II Historic Resources, subject to: 7.1.8.a.i. Obtaining a recommendation from by the Historical Commission or Board of Historical Architectural Review (HARB) (if the property is in an historic district), pursuant to Chapter 88; and 7.1.8.a.ii. Obtaining conditional use approval from the Board of Commissioners	Typo
211	TABLE 7.1.1 HISTORIC RESOURCE USES	Remove 'Skilled Nursing Facility' as an incentive use.	
215	TABLE 7.1.2 HISTORIC RESOURCE USE REGULATIONS	Repair Services: Permitted hours of operation are between 7 <u>8</u> :00 a.m. and 9 <u>8</u> :00 p.m.	
216	TABLE 7.1.2 HISTORIC RESOURCE USE REGUALTIONS	Remove all references to 'Skilled Nursing Facility' and associated regulations.	
288	7.4.4	This section was moved to Article 1.1.10 (pg. 12). It was erroneously located in in this section.	
ARTICLE 8: PARKING STANDARDS			
241	8.4.1.d.iv	Change reference to SD to "Special Districts"	Typo
235	TABLE 8.1 MINIMUM PARKING REQUIREMENTS	Public School- Change "See Note (± <u>2</u>)"	
243	8.6.1.c.iii.	Remove duplicate numbering.	Typo
245	8.7.3.a.	<u>A minimum of a</u> At least 200 linear feet <u>shall be provided as</u> of -storage area for vehicles awaiting service shall be provided for drive-in facilities and uses. <u>The required 200 feet may be provided in one or more usable lanes and shall be</u> Said 200 linear feet of driveway, in one or more usable lanes, shall be measured from the right-of-way line of the street to the window or other place in the building where the vehicle must enter or pass for service. The storage areas shall be so -designed <u>so</u> that vehicles awaiting service will not back out into the street. (Taken directly from 155-98);	Clarification

Page #	Code Section	Change Description	Change Type
ARTICLE 9: SIGN STANDARDS			
265	TABLE 9.2 Q. A-FRAME SIDEWALK (TEMPORARY)	Height: 3.5 in <u>ft.</u> min.	Typo
271	9.8.3.	Adjust numbering	Typo
ARTICLE 10: SUPPLEMENTAL USE REGULATIONS & NONCONFORMITIES			
273	—	Article 10: Supplemental Use Regulations and <u>&</u> Nonconformities	Typo
274	10.1.1	Home occupations <u>are permitted as an accessory use to any residential dwelling.</u>	
274	10.1.1.b.	10.1.2.a. Home occupations (minor and non-traffic) in LDR and MDR1 zoning districts are permitted <u>in LDR and MDR1 zoning districts or any residential dwelling unit</u> , subject to the following additional restrictions:	
275	10.2.1.c	Provide for the special housing needs of persons 55 <u>62</u> years of age or older who might not otherwise be able to acquire adequate housing in the community.	
276	10.3.1.b	Shared residences for the elderly and disabled shall be sponsored by a community-based nonprofit organization, a purpose of which is to provide housing for the elderly and to assume responsibility for overseeing the care and welfare of the residents thereof. Such organizations shall have a designated agent resident or unit offices in the Township offices <u>in Pennsylvania.</u>	Clarification
277	10.3.1.h (addition)	<u>Subject to the separation requirements of 11.2.5.f.iii.</u>	
ARTICLE 11: PROCESS & PROCEDURES			
293	11.1.5.D.XI	A retaining wall outside <u>not within</u> the floodplain exceeding four feet above grade.	
293	11.1.5.D.XII	A fence outside <u>not within</u> the floodplain exceeding four feet and located in the required front yard setback.	
294	11.1.7.C	Sepe a ration Requirements. Sepe a ration requirements shall apply to the following residential uses; Alternative housing options for the elderly; Convent, monastery or similar residential religious facility; Student Home. No more than one such use shall be permitted	Typo
307	11.2.5.F.III	Sepe a ration Requirements. Sepe a ration requirements shall apply to the following residential uses; Alternative housing options for the elderly; Convent, monastery or similar residential religious facility; Student Home, <u>and Shared Residences for the Elderly or Disabled.</u> No more than one such use shall be permitted:	
315	11.3.5.C	Standards to be removed. Regulated by 155-11.3	
315	11.3.5.D	Standards to be removed. Regulated by 155-11.3	