

AN ORDINANCE

NO. 4175

AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 155, Entitled Zoning, Article XVIIB, Mixed-Use Special Transportation District, Section 155-87.22, Dimensional Standards For Development, Section C, Entitled Building Setbacks, By Increasing The Required Stepback In Subsection (1)(i); And To Amend Section F, Entitled Building Height, By The Establishment Of A 39 Feet Maximum Building Height And The Deletion Of Mixed-Use Height Incentives In Subsection (4); By The Deletion Of The Penthouse Height Exception In Subsection (5); By Limiting The Maximum Height Exception To 52 Feet, And Amending The Height Exception Criteria In Subsection (6); And By Amending The Building Height Limitations In Subsection (7); And To Amend Section 155-87.25 Development Design Standards, Section D, Entitled Parking Structures By Deleting The Required Height For Vertical Articulation.

The Board of Commissioners of the Township of Lower Merion hereby ordains:

Section 1. The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article XVIIB, The Mixed-Use Special Transportation District, Section 155-87.22, Dimensional Standards for Development, Section C, entitled Building Setbacks, shall be amended by increasing the required setback in subsection (1)(i); and Section F, entitled Building Height, shall be amended by the establishment of a 39 feet maximum building height, and the deletion of mixed-use height incentives in subsection (4), and by the deletion of the penthouse height exception in Subsection (5), and by limiting the maximum height exception to 52 feet and amending the height exception criteria in Subsection (6), and by amending the Building Height Limitations in Subsection (7), and to amend Section 155-87.25 Development Design Standards, Section D, entitled Parking Structures by deleting the required height for vertical articulation, to provide as follows:

Article XVIIB – Mixed-Use Special Transportation District

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§ 155-87.22 Dimensional standards for development.

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C. Building setbacks.

(1) Build-to lines.

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- (i) For properties larger than 10,000 square feet, any portion of a new building above three stories or 39 feet above grade shall be set back from the build-to-line a minimum of 15 feet.

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F. Building height.

- (1) The provisions of § 155-137 (setbacks, impervious surface and building area) hereof shall not apply to new and redeveloped structures developed in accordance with this article.
- (2) The minimum height of any building shall be two stories and no less than 28 feet above grade. The second-story floor area shall be equal to or greater than 75% of the grade level building area.
- (3) Where a lot is split by the six-hundred-fifty-foot and one-thousand-foot boundary lines listed below, the height regulations applicable to the more restricted district shall extend over the entire commercially zoned portion of the lot in the less restricted district.
- (4) The maximum height of any building in the MUST District shall be 39 feet above grade.
- (5) RESERVED
- (6) Exceptions to building height limitations. The maximum height of any building may be increased to 52 feet provided the building complies with b and c below. Section a below shall also apply if the building includes residential dwelling units:
 - (a) Buildings with residential dwelling units:
 - [1] A single- or mixed-use development that provides either five dwelling units or 20% of the total number of dwelling units (whichever is greater) of moderate-income housing units as described in § 155-87.24A.
 - [2] The developer shall contribute a sum of money equal to 5% of the construction costs of the building. This fund shall be controlled by the Township and be dedicated to use for moderate-income housing units as described in § 155-87.24A. The method of payment of this contribution shall be established during the land development approval process.
 - (b) A front façade stepback of 15 feet is provided above the third-story or the height of 39 feet, whichever occurs first.
 - (c) The exterior of a Class I historic building that can be seen from a public way is preserved and restored in accordance with the requirements of the Secretary of the Interior's Standards for Rehabilitation of Historic Structures and a facade easement is recorded in a form approved by the Township Solicitor.
- (7) Any application for new construction or an expansion to an existing building shall also be subject to the following:
 - (a) No portion of a building located within 50 feet of an existing one- or two-family dwelling in a residential zoning district shall be permitted to exceed 42 feet.

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§ 155-87.25 Development design standards.

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D. Parking structures.

- (1) Vertical articulation of the parking structure facade, including changes in building plane and materials, shall be used to create a pedestrian scale.

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Section 2. Nothing in this Ordinance or in Chapter 155 of the Code of the Township of Lower Merion, as hereby amended, shall be constructed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 155 prior to the adoption of this amendment.

Section 3. The provisions of this Ordinance are severable and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Commissioners that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 4. This Ordinance shall take affect and be in force from and after its approval as required by law.

Approved by the Board of Commissioners on this 20th day of November, 2019.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF LOWER MERION

Daniel S. Bernheim, President

ATTEST:

Jody L. Kelley, Secretary