

**AN ORDINANCE**

**NO. 4275**

**AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 155, Entitled Zoning, Article II, Definitions, § 155-2.1, Definitions Of Terms, To Revise The Definitions For Accessory Building And Accessory Structure, And Also Create Definitions For Playhouse And Tree House; Article III, General To Districts, § 155-3.6, Projections, Subsection (C), Porches, To Prohibit The Erection Of Living Space Or Balconies Above Existing Enclosed Porches; Article III, General To Districts, § 155-3.6, Projections, Subsection (D), Awnings, To Revise The Maximum Permitted Slope For Awnings To 2:3 Rise Over Run; Article V, Uses, Table 5.3, Use Regulations, To Revise The Requirement For Active Ground Floor Commercial For Multifamily (Small), Multifamily (Large), Mixed-Use, And Row House Within the VC, TC1, TC2, NC, LI, RHR, BMV1, BMV3, BMV4, CAD-RCA, And CAB-BV Districts, Where Applicable, To Now Require A Minimum Of 80% Of The Ground Floor Primary Front Façade To Be Devoted To Active Ground Floor Commercial Use; And Article IX, Sign Standards, Table 9.1, Permitted Sign Locations And Permit Type, To Include Standards For The NC District.**

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 II, Definition, § 155-2.1, Definitions, is hereby amended to revise the definitions for Accessory Building and Accessory Structure, and also create new definitions for Playhouse, and Tree House, as follows:

**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 STRUCTURE**

A nonhabitable structure, tree house, or playhouse separate from and subordinate to the principal building on a lot and used for purposes incidental to those of the principal building.

PLAYHOUSE

An accessory structure supported on or below the surface of the ground, not intended for continuous habitation.

TREE HOUSE

An accessory structure built above the ground supported solely or partially by a tree or trees, not intended for continuous habitation.

**Section 2.** The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article III, General to Districts, § 155-3.6, Projections, subsection (C), Porches, subsection (2), Enclosure of existing porches, is hereby amended as follows:

§ 155-3.6. Projections.

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C. Porches.

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(2) Enclosure of existing porches.

(a) An existing ground-level porch located in a required setback may be enclosed, provided that:

- [1] The existing porch and roof were lawful when built.
- [2] An existing porch roof may be repaired or replaced but a roof shall not be constructed where one formerly did not exist. No porch shall extend beyond the existing porch or roof, whichever ground area covered is less.
- [3] No living space or balconies may be erected above the existing porch.

(b) An existing ground-level porch installed after 11-19-2014, located in a required front or side setback, cannot be enclosed.

**Section 3.** The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article III, General to Districts, § 155-3.6, Projections, subsection (D), Awnings, subsubsection (10) is hereby amended as follows:

§ 155-3.6. Projections.

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D. Awnings.

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(10) Awnings shall have a maximum slope of 2:3 rise over run.

**Section 4.** The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article V, Uses, Table 5.3, Use Regulations, is hereby amended to revise the requirement that “Active ground floor commercial use is required.” as it appears in relation to Multifamily (small), Multifamily (Large), Mixed-Use, and Row House, where applicable, within the VC, TC1, TC2, NC, LI, RHR, BMV1, BMV3, BMV4, CAD-RCA, and CAD-BV Districts, to now read, “A minimum of 80% of the ground floor primary front façade must be devoted to active ground floor commercial use.” The following is an example of how Table 5.3, Uses, shall hereafter read:

Uses	Use Permitted	RHR
Residential		
Multifamily (small)	R	<p>Multifamily (small) shall be permitted subject to the following regulations:</p> <ul style="list-style-type: none"> <li>(1) A minimum of 80% of the ground floor primary front façade must be devoted to active ground floor commercial use. The floor area devoted to the ground floor commercial use shall be a minimum depth of 40 feet.</li> <li>(2) No single-use residential building shall be permitted,</li> </ul>

		(3) The ground floor of the primary front facade shall comply with § 155-3.9D, Storefronts.
Multifamily (large)	R	<p>Multifamily (large) shall be permitted subject to the following regulations:</p> <p>(1) A minimum of 80% of the ground floor primary front façade must be devoted to active ground floor commercial use. The floor area devoted to the ground floor commercial use shall be a minimum depth of 40 feet.</p> <p>(2) No single-use residential building shall be permitted,</p> <p>(3) The ground floor of the primary front facade shall comply with § 155-3.9D, Storefronts.</p>

**Section 5.** The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article IX, Sign Standards, Table 9.1, Permitted Sign Locations and Permit Type, is hereby amended to include a column for the NC District which shall provide as follows:

<b>Table 9.1 Permitted Sign Locations and Permit Type</b>		
<b>Key:</b> <b>PR: Permit Required</b> <b>E: Exempt (no permit required)</b> <b>(T): Temporary</b>		
<b>Sign Type</b>	<b>NC</b>	<b>Table Number</b>
<b>Address</b>	E	9.2.L
<b>A-frame (T)</b>	E	9.2.Q
<b>Awning</b>	PR	9.2.A
<b>Banner (T)</b>	PR	9.2.R
<b>Canopy</b>	PR	9.2.B
<b>Corner</b>	PR	9.2.C
<b>Development (T)</b>	E	9.2.S
<b>Directional</b>	E	9.2.M
<b>Freestanding pole</b>	PR	9.2.D
<b>Flag signs</b>	E	9.2.N
<b>Freestanding ground/ monument</b>	PR	9.2.E
<b>Home occupation</b>	PR	9.2.P
<b>Marquee</b>	PR	9.2.F
<b>Off-premises sign</b>		9.2.J
<b>Projecting</b>	PR	9.2.G
<b>Personal expression signs</b>	E	9.2.U
<b>Real estate (T)</b>	E	9.2.T
<b>Security/ warning</b>	E	9.2.O
<b>Wall</b>	PR	9.2.H
<b>Wall plaque</b>	PR	9.2.K
<b>Window</b>	PR	9.2.I

Notes: Not permitted signs are gray. Additional district-specific standards can be found in §155-9.8.

**Section 6.** Nothing in this Ordinance or in Chapter 155 of the Code of the Township of Lower Merion, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 155 prior to the adoption of this amendment.

**Section 7.** Nothing in this Ordinance or in the Code of the Township of Lower Merion, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Code of the Township of Lower Merion prior to the adoption of this amendment.

**Section 8.** The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**Section 9.** This Ordinance shall take affect and be in force from and after its approval as required by law.

Approved by the Board of Commissioners of the Township of Lower Merion this 19th day of July, 2023.

BOARD OF COMMISSIONERS OF THE  
TOWNSHIP OF LOWER MERION

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Todd M. Sinai, President

ATTEST:

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Jody L. Kelley, Secretary