TOWNSHIP OF LOWER MERION

BUILDING & PLANNING COMMITTEE **WEDNESDAY, SEPTEMBER 23, 2026**
7:55 PM (Approximately)

Chairperson: Sean Whalen

Vice Chairperson: Jeremiah Woodring, Shelby Sparrow

AGENDA

1. **AUTHORIZATION TO ADVERTISE ORDINANCE - CHAPTER 155, ZONING - MULTIPLE PRINCIPAL BUILDINGS IN CAD-BV - Z-26-003**

Township of Lower Merion
A FIRST CLASS TOWNSHIP

AGENDA ITEM INFORMATION

COMMITTEE: Building & Planning

ITEM: **AUTHORIZATION TO ADVERTISE ORDINANCE - CHAPTER 155, ZONING - MULTIPLE PRINCIPAL BUILDINGS IN CAD-BV - Z-26-003**

Consider for recommendation to the Board of Commissioners authorizing the Township Secretary to advertise a public hearing and notice of intent to adopt an Ordinance to amend the Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article VI, Special Districts, Table 6.8.2 Bala Village (CAD-BV) Dimensional Standards, to add a rear setback provision for structures backing to a railroad right-of-way; Section 155-6.8 to provide standards for entries, signage and windows when multiple principal buildings exist on a lot; Section 155-6.6.H to provide buffer and greening standards common driveways serving more than one lot.

PUBLIC COMMENT

ATTACHMENT(S):
Issues Briefing - Bala Ave Amendments Z-26-003
Zoning Ordinance Text Amendment Z-26-003
Letter Requesting Zoning Code Amendment.pdf

TOWNSHIP OF LOWER MERION

Building & Committee

Issue Briefing

Topic: Authorization to Advertise Ordinance - Chapter 155, Zoning - Multiple Principal Buildings in CAD-BV - Z-26-003

Prepared By: Christopher Leswing, Director, Building & Planning Department

Date: September 18, 2026

I. Action To Be Considered by the Board

Authorize the Township Secretary to advertise a public hearing and notice of intent to adopt an ordinance to amend Township of Lower Merion Code Chapter 155, entitled Zoning, Article VI, Special Districts, Table 6.8.2 Bala Village (CAD-BV) Dimensional Standards, to add a rear setback provision for structures backing to a railroad right-of-way; Section 155-6.8 to provide standards for entries, signage and windows when multiple principal buildings exist on a lot; Section 155-6.6.H to provide buffer and greening standards common driveways serving more than one lot.

II. Why This Issue Requires Board Consideration

Amendments to the Township Zoning Code must be considered by the Board of Commissioners.

III. Current Policy Or Practice (If Applicable)

CAD-BV City Avenue District – Bala Village (CAD-BV) regulations are established under Zoning Code 155-6.8. Currently, all buildings on a parcel are required to front a road, setbacks from a railroad right-of-way range from zero to 25 feet, and common shared driveways are precluded by buffering requirements.

The proposed amendments were included in draft ordinance distributed at the July 29, 2026, Building & Planning Committee meeting for information-only purposes. The ordinance was subsequently included as an agenda item at the September 16, 2026, Building & Planning meeting. However, prior to the meeting Building & Planning staff registered a concern that the ordinance did not clearly preserve the streetscape by requiring at least one building to front a street, and/or be oriented to the street.

Staff reviewed existing frontage occupation requirements in the zoning code and determined that the proposed ordinance should be clarified. Specifically, the existing CAD-BV ordinance already required, and would continue to require that 70% of the primary frontage must be occupied by

buildings. However, the proposed ordinance needed to clarify that those buildings along the primary frontage must be oriented to and have entries from the street. The ordinance was then updated with new language and circulated to the Building & Planning Committee prior to the September 16, 2026, Building & Planning Committee meeting. Due to the late changes in the authorization to advertise the ordinance was tabled to the September 23, 2026, meeting.

The Board of Commissioners is requested to consider authorization of the advertisement of a public hearing and notice of intent to adopt the ordinance.

IV. Other Relevant Background Information

These proposed zoning amendments follow discussions between Township Staff, the Ward 9 Commissioner, and a property owner in Bala Village. The property owner pointed out to Township staff that current zoning precludes reasonable townhome development on deep, narrow lots because buildings are required to front on a street. Hence, under the current zoning code, a large, deep single multifamily apartment building would be permitted, but multiple townhome buildings would not be permitted unless all of them fronted the street. On deep lots, townhome developments typically have multiple buildings with some set to the interior of the lot. Given that, the current code effectively precludes townhome development in some circumstances where apartment development is allowed and feasible, even though townhome development might be preferred by a property owner, residents, or Township planning objectives over multifamily development.

This consequence of the zoning code was inadvertent, and staff views it as warranting revision. Staff proposes to initially apply the revised language only in the CAD-BV district, where the revision is clearly applicable. In the CAD-BV district, there is a concentration of narrow, deep parcels that abut railroad rights-of-way and where residential-scaled development is more contextual than larger multifamily apartments. Staff can later evaluate whether a similar revision would be appropriate for other zoning districts in the Township.

Relevant information for each of the proposed code amendments includes:

A. The proposed amendments would modify the rear yard setback to account for those properties that back up to the railroad right-of-way. Current code allows for a zero (0') setback when the property does not back up to a residential lot and twenty-five feet (25') when the property does back up to a residential lot. The revised ordinance allows for a' fifteen (15') foot setback when backing to a railroad right-of-way. There already is a required ten feet (10') planted buffer for a property that abuts a railroad right-of-way with a residential district on the opposite side of the railroad tracks.

B. The proposed zoning amendments facilitate smaller, single-use residential buildings at a smaller scale along Bala Avenue between Union Avenue and City Avenue. The block between Union Avenue and City Avenue is zoned CAD-BV on the east side of the street and MDR1 on the west side of the street. Parcels on the east side of the street are generally long and narrow and back up to the Septa Cynwyd Line and Cynwyd Heritage Trail. Parcels on the west side of the street have regular rectangular platting and contain single-family homes

and townhouses. Under the existing code, it is difficult to redevelop parcels zoned CAD-BV with multiple buildings because buildings must front onto a street. Because the lots are long and narrow on the west side, it is almost impossible to introduce new roads in proposed development. The result is that new residential and mixed-use buildings are likely to be large single buildings. The proposed amendments would permit new buildings to front along pedestrianways as well as the street and would potentially facilitate several smaller buildings on a lot rather than one single larger building. These amendments would potentially result in newer buildings that better relate to the existing residential buildings across the street.

C. In the CAD-BV building configuration section, there is a provision that mandates building entries and signage to face the street or the corner at a street intersection. While it would be required in the proposed amendments that at least some of the buildings front the public street, with multiple smaller buildings on a lot, not all of them can face the street. Those that do not front the public street should front a pedestrianway. A pedestrianway is defined as, "A public or private linear space or an area where the primary users are pedestrians and may also accommodate bicyclists."

   In the CAD-BV design development standards for building entries and site access, a similar provision applies for buildings being designed with the primary building entrances, windows, public access points and signage orientated to the street and sidewalk. The modification allows for the same treatment to be orientated to a pedestrianway. In order to preserve the streetscape, some buildings are still required to front the street, and those buildings are required to have entries oriented to the street.

D. In the parking, loading and traffic requirements for CAD-BV, allowances must be made for common shared driveways to not have to provide the required buffers, since they straddle the common lot line between properties. In lieu of the buffer, certain greening measures are proposed which will still allow for some landscaping on the edge of property development. The greening standards are as follows:

   1. When private driveways connect with the common driveway one (1) shade tree shall be planted every 25'. The shade trees may be planted between the private driveways.
   2. When residential side yards abut the common drive one (1) Evergreen tree shall be planted for every 10 feet of side building façade.

   The proposed amendments also would permit applicants to seek approval of alternative greening designs for shared driveways through Conditional Use. This deviation provision is intended to provide the applicants with flexibility to develop context-specific design solutions. The provision is currently included in other sections of CAD Zoning.

   3. The Board of Commissioners may, by conditional use, approve the use of greening measures which differ from those set forth above, if the applicant demonstrates to the satisfaction of the Board that such concepts and designs are in compliance with the Goals and objectives of the applicable zoning district.

An example of a potential alternative greening design would be to permit a green wall where a shared driveway is too close to a building to adequately provide space for larger trees. In this example an applicant could make a case that a living wall of plants served a similar functional and aesthetic greening purpose as a row of trees.

Public Process: Staff notes that Core Development conceptually presented an earlier version of a similar ordinance to the Neighborhood Club of Bala Cynwyd (NCBC) at their June meeting. If authorization of advertisement is approved but before the public hearing, this proposed ordinance would need to be reviewed by both the Lower Merion and Montgomery County Planning Commissions and the final draft ordinance would also need to be returned to the Neighborhood Club for additional review.

V. Impact On Township Finances

There is no immediate impact on Township finances.

VI. Staff Recommendation

Staff recommends that the Building and Planning Committee authorize the advertisement of the proposed Bala Village zoning amendments for adoption after Planning Commission, MCPC, and NCBC review.

AN ORDINANCE

NO. ____

AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 155, Entitled Zoning, Article VI, Special Districts, Table 6.8.2 Bala Village (CAD-BV) Dimensional Standards, To Add A Rear Setback Provision For Structures Backing To A Railroad Right-Of-Way; Section 155-6.8 To Provide Standards for Entries, Signage And Windows When Multiple Principal Buildings Exist On A Lot; Section 155-6.6.H To Provide Buffer And Greening Standards Common Driveways Serving More Than One Lot.

The Board of Commissioners of the Township of Lower Merion does hereby enact and ordain:

Section 1. The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article VI, Special Districts, Table 6.8.2 Bala Village (CAD-BV) Dimensional Standards, is hereby revised to add another Rear Setback provision to read as follows:

Structures backing to a railroad right-of-way 15 minimum.4

Section 2. The Code of the Township of Lower Merion, Chapter 155, Zoning, Article VI, Special Districts, Section 155-6.8.C.(2) is revised to read as follows:

(2) Building entries and signage shall face the street or the corner at a street intersection. Where multiple principal buildings are provided in accordance with § 155-3.4.G all of the buildings adjacent to an existing street shall have their entries and any signage facing the street or the corner at a street intersection, and buildings interior to the site, separated from the existing street by other buildings, shall have their entries and any signage facing a new interior street, or a pedestrianway. Storefront entrance doors shall be recessed to allow doors to swing out without conflicting with pedestrian flow on the sidewalk.

Section 3. The Code of the Township of Lower Merion, Chapter 155, Zoning, Article VI Special Districts, Section 155-6.8.I.(4)(b)[1] is hereby revised to read as follows:

[1] Buildings shall be designed with windows, public access points and signage facing the street and sidewalk. Where multiple principal buildings are provided in accordance with § 155-3.4.G all of the buildings adjacent to an existing street shall have their windows, public access points and any signage facing the street and sidewalk, and

buildings interior to the site, separated from the existing street by other buildings, shall have their windows, public access points and any signage facing a new interior street, or a pedestrianway.

Section 4. The Code of the Township of Lower Merion, Chapter 155, Zoning, Article VI Special Districts, Section 155-6.8.I.(4)(b)[2] is hereby revised to read as follows:

[2] Primary building entrances shall be articulated and visible from the street. Where multiple principal buildings are provided in accordance with § 155-3.4.G the primary building entrances of all of the buildings adjacent to an existing street shall be articulated and visible from the street, and buildings interior to the site, separated from the existing street by other buildings, shall have their primary building entrances articulated and visible from a new interior street, or a pedestrianway.

Section 5. The Code of the Township of Lower Merion, Chapter 155, Zoning, Article VI Special Districts, CAD-BV City Avenue District, Section 155-6.6.H.(1)(a), Parking, Loading And Traffic Requirements, is hereby revised to read as follows:

(a) Driveways, parking areas and traffic circulation patterns shall be designed as shared facilities whenever feasible. The design of these elements shall create a unified site plan between the lots. The goal is to gain parking efficiencies, reduce the number of access points crossing pedestrian pathways and improve internal vehicular circulation patterns and external access into the site. Where a common driveway is provided to serve more than one lot, and the common driveway straddles or is located along the property line no buffer shall be required between the lots where the common driveway is located including any buffer required in the Zoning Code, or any other Chapter of the Code. In the case of a common driveway that straddles or is located along the property line where no buffer is required as aforesaid, the following greening measures shall be provided:

[1] When private driveways connect with the common driveway one (1) shade tree shall be planted every 25'. The shade trees may be planted between the private driveways.

[2] When residential side yards abut the common drive one (1) Evergreen tree shall be planted for every 10 feet of side building façade.

[3] The Board of Commissioners may, by conditional use, approve the use of greening measures which differ from those set forth above, if the applicant demonstrates to the satisfaction of the Board that such concepts and designs are in compliance with the Goals and objectives of the applicable zoning district.

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. 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 8. This Ordinance shall take effect 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 ___ day of _____, 2026.

BOARD OF COMMISSIONERS
OF THE TOWNSHIP OF LOWER
MERION

_____
Todd M. Sinai, President

ATTEST:

_____
Jody L. Kelley, Secretary

DRAFT

Kaplin Stewart
Attorneys at Law

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June 29, 2026

VIA HAND DELIVERY
& EMAIL (cleswing@lowermerion.org)

Mr. Christopher Leswing, Director,
Building & Planning Department
Lower Merion Township
75 East Lancaster Avenue
Ardmore, PA 19003-2323

RE: Petition for Zoning Code Amendments – CAD-BV District
Our Reference: 17289-5

Dear Mr. Leswing:

We represent Recess Collective, LLC ("**Petitioner**"), owner of various properties located in the Township's City Avenue District - Bala Village CAD-BV zoning district ("**CAD-BV District**.")

Petitioner is filing herewith a petition for a Zoning Code text amendment relate dot the CAD-BV District.

I. SUBMISSION

Along with this letter, we are filing the following:

1. Five (5) copies of the Petition for Proposed Zoning Ordinance Text Amendment and the Proposed Zoning Ordinance Text Amendment;

2. A check in the amount of $1,500.00, payable to Lower Merion Township, representing the required Zoning Ordinance Text Amendment application fee;

3. A check in the amount of $1,200.00, payable to Lower Merion Township, representing the required consultants' review escrow deposit; and

4. Electronic copies of this letter, the Petition for Zoning Ordinance Text Amendment and Proposed Zoning Ordinance Text Amendment.

II. REVIEW

Please submit this petition and the proposed Zoning Code text amendment to the Township Planning staff, the Montgomery County Planning Commission and the Township Planning Commission for review. Please schedule this matter for review by the Township Building & Planning Committee, and arrange for a public hearing before the Board of Commissioners.

Please provide us with copies of all reviews, communications, notices, and other documentation relating to this petition as soon as they are generated and/or received. Please contact us immediately if you have any questions or require any further information to process this petition. Thank you for your attention to this matter.

Sincerely,

George W. Broseman

GWV:sml
w/enclosures

cc via email: Bala 202, LP
Brielle A. Brown, Esquire