

## ORDINANCE NO. 3823

AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 155, Zoning, To Regulate The Number Of Visitors That May Be Admitted On A Daily Basis To A Gallery Or Museum Maintained By An Accredited Or Certified Educational Institution In Conjunction With Its Educational Program On Property In A Residential Zoning District.

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

**Section 1.** The Code of Lower Merion Township, Chapter 155, Entitled Zoning, Article IV, R AA Residence Districts, § 155-11, Use Regulations, subsection M thereof, previously noted as “Reserved”, shall be amended to provide as follows:

### § 155-11 Use regulations

A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other:

#### (M) Educational institution gallery or museum

- (a) Where an accredited or certified educational institution maintains a gallery or museum in a residential zoning district in conjunction with its educational program, it may admit up to four hundred fifty (450) daily visitors to the gallery or museum provided:
  - (i) On-site parking is provided for at least 50 vehicles for the exclusive use of such visitors; and
  - (ii) The maximum number of daily visitors are admitted in equal groups at regular intervals throughout the day on a time ticketed entry basis; and
  - (iii) The hours of operation are limited to 9 A.M to 5 P.M daily, six days per week.
- (b) Additional numbers of daily visitors to the gallery or museum may be admitted upon the grant of a special exception by the Zoning Hearing Board. In considering such an application, the Zoning Hearing Board shall impose such additional conditions at it deems appropriate to assure the adequacy of public accommodation and the preservation of the character of the surrounding neighborhood.
- (c) The term “visitors” as used in this § 155-11(M) shall not include the following:
  - (i) Up to one hundred primary and secondary school students per day provided they visit the gallery/museum during school hours (9a.m. – 4 p.m., Monday through Friday)
  - (ii) The educational institution’s own currently matriculated students.
  - (iii) Employees and officials of the educational institution.
- (d) The regulations set forth in this section shall not supercede limitations otherwise applicable to the use of a particular property, including conditions imposed by zoning or land development approvals, except those limitations which are in direct conflict with the provisions of this section.

**Section 2.** 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 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 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 effect and be in force from and after its approval as required by law.

Approved by the Board this 18<sup>th</sup> day of July, 2007.