

TOWNSHIP OF LOWER MERION

Building and Planning Committee

Issue Briefing

Topic: Nonconforming Building Amendments

Prepared By: Robert Duncan, Assistant Township Manager

Date: January 19, 2017

I. Action To Be Considered By The Board:

There is no action for the Board to consider at this time. Staff has prepared a draft ordinance to amend the non-conforming (N/C) provisions in the zoning code but it is only for information purposes at this time.

II. Why This Issue Requires Board Consideration:

If this ordinance is brought back to the Board for action at some future time, the Board of Commissioners must authorize the advertisement of an ordinance amendment, schedule a public hearing, and receive a recommendation from the Township and County Planning Commission before adopting an ordinance amending the zoning code.

III. Current Policy Or Practice (If Applicable): N/A

IV. Other Relevant Background Information:

Staff has been working with the Solicitor to update the N/C section of the zoning code. This draft ordinance is being placed on the January 25th B&P Committee agenda for information only at this time. Our goal is to get this draft ordinance out to provide time for members of the Board or property owners to comment on the proposed amendments. The current N/C code provisions do not distinguish a N/C use from a N/C dimensional condition and the two types of N/C conditions should have their own set of regulations.

This draft ordinance establishes a separate code section to address N/C use and N/C dimensional conditions. The amendment also provides better clarification for an expansion of a N/C use by separating an expansion to a N/C use within a building from a N/C use on the exterior of the lot.

Section 155-99 D Restoration, is also being amended. This section establishes the standards for the rebuilding of a building with a N/C use when the building is damaged or destroyed by fire or any other cause. The standard currently in the code establishes the level of damage at 75% of the habitable floor area. This criteria is being changed to a floor area determination.

The second amendment to the N/C section of the code was initially presented to the B&P Committee for discussion in October 2014 and presented again in January 2015. This would amend Section 155-99 by creating a new Section 155-99.1 B, Dimensional N/C buildings by permitting an existing building N/C to the current setback requirements to expand provided they maintain the current N/C setback subject to compliance with the proposed setback, floor area and building height limits in the amendment.

V. Impact On Township Finances:

These amendments would have no impact on Township finances.

VI. Staff Recommendation:

There is no staff recommendation at this time.