

AN ORDINANCE

NO. _____

AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 155, Entitled Zoning, To Require Either An Operable Gate Or An Opening At Least 36 Inches Wide Where A Fence Or Wall Is Erected Within The Front Yard Setback; To Regulate Fences Erected Within The Floodway Fringe Of The Schuylkill River; And To Provide That Floodplain District Regulations Are Intended, In Part, To Retain And Encourage Scenic Viewsheds Of The Schuylkill River.

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 XXV, General Regulations, §155 -130, Regulation of fences and walls, is hereby amended by the addition of a new section §155 -130 E to provide as follows:

§155 -130. Regulation of fences and walls.

D. All fences or walls erected within the front yard setback shall provide an operable gate or opening with a minimum width of 36 inches to provide access to the area between any fence or wall and the cartway of the abutting street, and the property owner is responsible for maintaining this area. There shall be a minimum of one operable gate or opening for each street frontage and at least one operable gate or opening for every 500 feet of fencing along a street.

E. All fences erected in the floodway fringe of the Schuylkill River shall conform to §155-157 M when in conflict with this section.

Section 2. The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article XXVII, Floodplain District, §155 -154.1 Legislative intent, is hereby amended by the revision of subsection F, to provide as follows:

§155 -154.1. Legislative intent.

F. To permit and encourage the retention of open space land uses and scenic viewsheds of the Schuylkill River, which will be so located and utilized as to constitute an

appropriate and harmonious part of the physical development of the Township as provided for in the Comprehensive Plan.

Section 3. The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article XXVII, Floodplain District, §155 -157, Permitted Uses is hereby amended by the amendment of §155-157 G and the addition a new section §155 -157 M to provide as follows:

§155 -157. Permitted uses.

The following uses and no other shall be permitted in the Floodplain District:

G. Within residential zones, those accessory uses normally permitted, except enclosed uses and freestanding structures. Fenced enclosures are permitted provided they conform to §155-157(M) below.

M. Accessory fences. Within residential zones, accessory fences are only permitted if erected in the floodway fringe between the street right-of-way and the floodway of the Schuylkill River, and shall be subject to the following:

- (1) The maximum height of an accessory fence shall be six (6) feet.
- (2) No chain link fence shall be erected in the floodway fringe of the Schuylkill River.
- (3) Swimming pools and tennis courts. Fences for swimming facilities shall adhere to the standards specified in Chapter 143, Uniform Construction Code. Height standards for fences surrounding tennis courts shall be determined by the Zoning Hearing Board.

Section 4. 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 5. 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 6. This Ordinance shall take effect and be in force from and after its approval as required by law.

Enacted by the Board of Commissioners of the Township of Lower Merion this _____ day of _____, 2017.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF LOWER MERION

Daniel S. Bernheim, President

ATTEST:

Jody L. Kelley, Township Secretary

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