

AN ORDINANCE

NO. _____

AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 155, Entitled Zoning, To Amend Article IV, RAA Residence District, To Clarify The Regulations Regarding Spacing And Density Between Uses Permitted By Special Exception Or Conditional Use.

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 IV, RAA Residence Districts, §155-11, Use Regulations, Subsection (Y)(3), Spacing and density regulations, shall be amended to provide as follow:

Article IV. RAA Residence Districts

§ 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:

* * * * *

- Y. Except for those uses permitted by §§ 155-11S(7), 155-128, 155-144 and 155-141.4, and except for those uses involving fewer than seven residents/participants per day, the special exception or conditional use permitting the initial use or the expansion thereof shall only be granted if the applicant's evidence establishes compliance with the following conditions:

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- (3) Spacing and density regulations. ~~No more than one property whose use is regulated by this subsection shall be permitted.~~ The following space and density regulations shall apply only to the initial use of a property and is not applicable to an expansion of an existing use regulated by this section.

- (a) No more than one property whose use is regulated by this subsection shall be permitted ~~Within~~ within the same block, defined as both sides of an uninterrupted road segment between two intersections; and

- (b) No property whose use is regulated by this subsection shall be permitted ~~Within~~ within 500 feet of another use regulated by this subsection and/or a nonconforming use, measured by the shortest distance between the lot on which the proposed use will be located and the lot or lots which contain the existing conditional use, special exception use, or a nonconforming use.

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 of 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 affect 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 _____, 2018.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF LOWER MERION

Daniel S. Bernheim, President

ATTEST:

Jody L. Kelley, Township Secretary