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**MONTGOMERY COUNTY
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JODY L. HOLTON, AICP
EXECUTIVE DIRECTOR

August 22, 2017

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

Re: MCPC #17-0165-001
Fences in Floodway Fringe
Township of Lower Merion

Dear Mr. Leswing:

We have reviewed the above-referenced zoning ordinance text amendments in accordance with Section 609 of Act 247, "The Pennsylvania Municipalities Planning Code" as you requested on July 21, 2017. We forward this letter as a report of review and recommendations.

BACKGROUND

The proposed zoning text amendments will make the following amendments to the Township's zoning ordinance as it relates to fences in the Floodplain District:

- Amend the Regulation of Fences and Walls section of the General Provisions chapter to add a reference to the proposed standards for fences in the floodway fringe of the Schuylkill River in §155-157.M.
- Amend the legislative intent of the Floodplain District to add a reference to the protection of the scenic viewsheds of the Schuylkill River
- Add a new sub-section §155-157.M. under the Permitted Uses category within the Floodplain District to permit fences accessory to residential uses in the floodway fringe of the Schuylkill River, subject to standards:



- A combination of maximum height, minimum fence opening, and placement requirements dependent on the location of the fence relative to the street right-of-way, principal structure, and floodway (Option A); or
- A maximum height of six (6) feet with no minimum opening or placement standards (Option B)
- Additional standards proposed in both Option A and Option B include a prohibition on chain link fence, a requirement for an operable gate or opening at least 36 inches wide if the fence is erected within the front yard setback, and additional standards for fences around swimming pools and tennis courts

RECOMMENDATION

The Montgomery County Planning Commission (MCPC) generally supports the proposed zoning text amendments presented as “Option A,” however, In the course of our review we identified the following issues that the Township may wish to consider prior to adoption of the proposed ordinance. Our review comments are as follows:

REVIEW COMMENTS

STANDARDS FOR FENCES IN THE FLOODWAY FRINGE

Similar to the Township’s current Floodplain District, the Montgomery County Model Floodplain Ordinance prohibits all “new construction, alteration, or improvement of buildings and any other type of permanent structure, including fences” in the floodway or the 100-year floodplain, which includes the AE zone, or floodway fringe. Currently, applicants could seek a variance from the Township Zoning Hearing Board to construct a fence in the floodway fringe, if certain standards are met.

Although a single fence located within the floodway fringe may not have a significant impact on the overall function of the larger floodplain, many small encroachments (such as fences) can have a cumulative effect similar to large intrusions. Therefore, if the Township wishes to permit fences in the floodway fringe, the County recommends that the Township adopt ordinance Option A which includes detailed standards related to maximum fence height, minimum fence openings, and fence placement standards meant to reduce the potential cumulative impact of several fences constructed in the floodway fringe. Similarly, the presence of several fences within the floodway fringe could also have a negative impact on the scenic viewsheds of the Schuylkill River which appears to be in conflict with the proposed expanded legislative intent for the Floodplain District.

MINIMUM FENCE OPENINGS

The proposed ordinance language prohibits chain link fences, which depending on how the percent openings within a fence are calculated could be considered somewhat “open,” however, the size of the individual openings in a typical “chain link” fence are relatively small and could easily become clogged with debris and potentially block the passage of floodwaters. Therefore, a standard for the minimum size of individual openings within the fence, and how to consistently calculate the size of such openings, may also be helpful.

CONCLUSION

The Montgomery County Planning Commission generally supports the proposed zoning text amendments presented as "Option A," however, additional standards for the minimum size of individual openings within the fence, and how to measure such openings would improve the consistent enforceability of the proposed ordinance.

Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposed amendments will be made by the municipality.

Should the governing body adopt these proposed zoning ordinance text amendments, Section 609 of the Municipalities Planning Code requires that we be sent an official copy within 30 days.

Sincerely,

A handwritten signature in black ink that reads "Marley B Bice". The signature is written in a cursive, flowing style.

Marley Bice, AICP, Senior Planner
610-278-3740 – mbice@montcopa.org

c: Ernie B. McNeely, Twp. Manager
Gilbert P. High, Jr., Esq., Twp. Solicitor
Edward P. Pluciennik, P.E., Twp. Engineer