

**TOWNSHIP OF LOWER MERION**

***Building and Planning Committee***

**Issue Briefing**

**Topic:** Land Leased by the Township

**Prepared By:** Robert Duncan, Assistant Township Manager

**Date:** April 10, 2015

**I. Action To Be Considered By The Board:**

The Board is being asked to consider amending the Zoning Code to exempt land that is leased by the Township from the provisions of the Zoning Code.

**II. Why This Issue Requires Board Consideration:**

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):**

The legal requirements for amending the Zoning Code as listed above are established by the Pennsylvania Municipalities Planning Code.

**IV. Other Relevant Background Information:**

There are two current projects being pursued by the Township on land we are currently leasing where the proposed use would be in conflict with our current zoning code regulations.

The first is the relocation of the Bala Farmers Market. This market previously operated on the GSB Building parking lot in Bala Cynwyd but had to be relocated due to the property owner's desire to provide more parking to their tenants. The only other feasible location for this market in the Bala area that doesn't have a negative impact on surrounding residential properties is the Barmouth Train Station along the Cynwyd Trail. This is an ideal location because many local residents can walk using the trail to access the market. This site is zoned residential and a Farmers Market is not a permitted use in a residential zoning district. Amending the code to permit a Farmers Market in a residential district would create many potential problems in other residential areas of the Township. A better solution is to extend the Township's right to exclude the Township from the zoning code for land leased by the Township under Section 155-9. The adoption of this ordinance amendment will allow a Farmers Market to be held on a portion of the Cynwyd Trail near the Barmouth Station if approved by the Board of Commissioners. Since the

Township does not own the land but only has a leasehold interest, an amendment to the Zoning Code is necessary to permit the use.

The second location is the leased land at 47-55 Cricket Avenue, Ardmore. The property owner has obtained Township approval to demolish the buildings on this lot and has agreed to lease the land to the Township for use as a temporary parking lot during the Dranoff Cricket Lot construction. A surface parking lot (even if the lot is only a temporary parking lot) is not a permitted use in the Ardmore MUST District and a 100% impervious surface condition is also not permitted in the MUST. The Township could proceed with this parking lot by obtaining a conditional use to develop to the underlying zoning and by reducing the impervious surface but this would delay the project by at least three months and there would be fewer temporary parking spaces available. A temporary parking lot at this location completed as soon as possible is in everyone's best interest to help with the temporary limited parking conditions that will exist during the Cricket Lot construction period.

The proposed ordinance will avoid these delays and create the opportunity to provide as much temporary parking as possible during the construction period.

**V. Impact On Township Finances:**

These amendments would have no impact on Township finances.

**VI. Staff Recommendation:**

Staff recommends that the Board adopt the amendment.

If there are any questions you or Board members have prior to the upcoming Building & Planning Committee meeting, please give me a call.

AN ORDINANCE

NO. \_\_\_\_

**AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 155, Zoning, Article III, Classification Of Districts, By Amending Section 155-9.B To Exempt Land Leased By the Township From The Provisions Of Chapter 155.**

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 III, Classification of Districts, §155-9, Federal-, State-, and Township-owned property, subsection B thereof, shall be amended to provide as follows:

**§ 155-9. Federal-, State-, and Township-owned property**

\* \* \* \* \*

B. The provisions of this chapter shall not apply to land and buildings owned or leased by Lower Merion Township and used for its governmental purposes.

**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 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, 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 provisions 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.

Approved by the Board this \_\_\_\_ day of \_\_\_\_\_, 2015.

BOARD OF COMMISSIONERS OF THE  
TOWNSHIP OF LOWER MERION

\_\_\_\_\_  
Elizabeth Rogan, President

ATTEST:

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Jody L. Kelley, Secretary