

## TOWNSHIP OF LOWER MERION

### *Building & Planning Committee*

#### Issue Briefing

**Topic:** Special Exception Use Separation Ordinance

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

**Date:** December 7, 2018

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

Authorize the advertisement of a public hearing for a proposed ordinance amending the special exception separation and spacing requirements in Zoning Code Section 155-11.Y.3.

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

Any amendments to the Zoning Code must be adopted by the Board of Commissioners.

**III. Current Policy Or Practice (If Applicable):**

N/A

**IV. Other Relevant Background Information:**

The special exception separation requirements were added to the Zoning Code along with other amendments attempting to better regulate special exception uses in residential zoning districts in 1998. The purpose of Section 155-11.Y.3 was to avoid multiple special exception uses on any single block of properties in a residential district since multiple special exception uses could change the character of the neighborhood and result in a significant change in the traffic flow on the street.

There have been several applications to the Zoning Hearing Board (ZHB) and the ZHB has interpreted the existing language to permit up to two special exception uses on a single block. This concern recently came up again in the special exception application for the Knox Home.

Staff's original plan was to address this with the adoption of the new Zoning Code but since this will not occur until the second half of 2019 and the topic came up again at a recent ZHB hearing, it was suggested that staff draft an ordinance to clean up this language right away.

Language has also been added to clarify that these regulations apply to a new special exception use application but do not apply to an existing special exception use seeking to expand.

V. **Impact on Township Finances:**

This ordinance will have no impact on Township finances.

VI. **Staff Recommendation**

Staff recommends the Board of Commissioners authorize a public hearing in January. If authorized, the Board will also consider whether to adopt this ordinance at their January meeting after receiving public comment. If it is determined that further edits are required before adopting the ordinance, re-advertising will be required and consideration for adoption would occur at a future meeting.