

TOWNSHIP OF LOWER MERION

Planning Commission

Issue Briefing

Topic: Spacing & Density for Special Exception Uses Proposed Ordinance

Prepared by: Robert Duncan, Assistant Township Manager

Date: April 4, 2019

I. Action To Be Considered By The Board:

Authorizing the Township Secretary to advertise a notice of intent to hold a public hearing and adopt an ordinance to amend the Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article IV, RAA Residence District, to clarify the regulations regarding spacing and density between uses permitted by Special Exception or Conditional Use.

II. Why This Issue Requires Board Consideration:

Amendments to the Zoning Code must be reviewed and approved 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 French International School's use of the Knox Home property.

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 issue was raised again at a recent ZHB hearing, it was suggested that staff draft an ordinance to revise this language immediately.

In January 2019 the Board of Commissioners adopted an amendment to this section of the Code which is attached to this memo. Prior to the adoption of that ordinance, the Solicitor to the ZHB expressed concern that the ZHB might interpret the revised ordinance language the same as the original code language.

Therefore, staff revised the language to eliminate any separation requirement based on the term 'block'. Per the attached draft, the separation requirement will only be based on a distance of 500-feet. The intent is to avoid any confusion about how 'a block' is interpreted and measured and to ensure a more uniform application of the provision. In addition, to conform to the previous amendment, the current amendment also eliminates the applicability of this provision to the expansion of an existing special exception use.

V. Impact on Township Finances:

This ordinance will have no impact on Township finances.

VI. Staff Recommendation

Staff recommends the Board of Commissioners authorize the advertisement of and scheduling of a public hearing for the attached ordinance.