

# **TOWNSHIP OF LOWER MERION**

## ***Building & Planning Committee***

### **Issue Briefing**

**Topic:** Low/Medium Density Single-Family Residential Zoning

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**Date:** January 18, 2019

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

The Board will review the sections of the Draft Zoning Code related to low density residential uses. No formal action is required by the Board at this time, but any direction provided will be incorporated into the draft code.

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

The Board of Commissioners must adopt Zoning Code amendments in compliance with the Pennsylvania Municipalities Planning Code.

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

The Zoning Code update is part of a multi-year effort to synchronize the Township's land use codes (Zoning, Subdivision & Land Development, Natural Features and Stormwater Management) with the goals and recommendations of the 2016 Comprehensive Plan.

#### **IV. Other Relevant Background Information:**

This is a workshop meeting to prepare for the advertisement and adoption of a comprehensive update to the Township's land use codes.

#### **Clarification of Undertaking – Update of Township Land Development Codes including the Zoning Code and the Subdivision and Land Development Code (SALDO)**

DPZ was retained to update the Township's primary Land Development Codes; the Zoning Code and the SALDO to be consistent with the Form-Based recommendations of the Comprehensive Plan. In many states where DPZ has worked, new Form-Based codes have combined Zoning and Subdivision Codes into a Unified Code. A Lower Merion Township Unified Code was considered, but because Unified Codes are untested in Pennsylvania, DPZ will be updating both the Zoning and the SALDO as two separate documents. The two codes are complementary. The Zoning Code primarily controls the use and density of development, while the SALDO governs the form and review process for development. A major difference between the codes is that deviations from the Zoning Code are by Variance (adjudicated by the Zoning Hearing Board) while deviations from the SALDO are administered by the Board of Commissioners as Waivers.

The two codes are interdependent. The Zoning Code is scheduled for adoption this summer and the SALDO for adoption by the end of year. The Zoning Code primarily focuses on density and is being brought forward first.

## **Testing the Draft Land Development Codes**

The land development codes are being updated to be consistent with the Comprehensive Plan. In summary, the 2016 Comprehensive Plan fundamentally recognized that:

- Lower Merion's existing land use code framework does not effectively address the fine grained, qualitative growth and modernization challenges facing the Township in coming years. The existing codes cannot easily be improved by continued amendment of existing documents and a set of new, more user-friendly Land Use Codes should be prepared to effectively address future growth;
- Township Codes should be oriented towards achieving a significantly smaller ultimate population than is currently achievable through the Township's Zoning Code. New codes should be prepared to reflect the assumptions and vision of the Comprehensive Plan, which presents an ultimate population closer to the existing population based on neighborhood preservation, quality infill and targeted redevelopment; and
- New codes should incorporate detailed design standards to ensure that new development is either consistent in form with the prevailing pattern, where desired, or that the form of new development promotes the vision of the new Comprehensive Plan where the prevailing pattern may be changed.

Staff proposes that the Draft documents be evaluated/calibrated to ensure that they meet the following overarching goals of the Comprehensive Plan:

1. Align the standards with Land Use and other relevant recommendations;
2. Promote the desired form and pattern of the built environment; and
3. Create a user friendly, publicly-accessible document.

## **Review of Low/Medium-Density Single-Family Residential Zoning Provisions**

Single-family residential zoning comprises approximately 75% of the Township. The existing Zoning Code establishes eight (8) single-family districts. The Township's single-family zoning districts follow an established form and pattern. The chart at the end of the memo provides the details of the districts.

Unlike previous development in the Township which historically occurred via large scale subdivision, future development within single-family districts will primarily occur on a lot by lot basis through teardown/rebuild, modernization/additions of existing homes, infill of vacant lots or the conversion and subdivision of older estates.

The Draft Code proposes consolidating the eight existing Single-Family Districts into five Single-Family Districts based on shared characteristics. The Single-Family Districts have been renamed Low Density Residential (detached) - LDR1, LDR2, LDR3, LDR4 and Medium Density Residential (semi-detached single-family) - MDR1. MDR1 includes a large number of single family twin homes and a few quad home configurations within the Township. Townhomes and Multifamily housing is contained in other Medium Density Residential Districts (MDR2 and MDR3).

The updated Code places significantly more provisions regulating the form of new development than the current code. The form orientation of the Draft Code has resulted in a completely new code format and structure. The Draft Code is divided into 11 Articles. The following Articles are most applicable to the Committee's review of low/medium density single-family residential uses:

- Article 3 - General to Districts
- Article 4 - District Specific Standards
- Article 5 -Uses
- Article 7 - Conservation and Preservation Overlays
- Article 8 - Parking Standards

Article 3 - General to Districts – This Article establishes the general form standards for all zoning districts including height, lot occupation, frontages, projections, fences and walls and architectural standards. Frontage, lot occupation and architectural standards are new introductions to the Code and are intended for new development and modernization to be consistent with the mass, scale and character of established single-family districts. Because of the diversity of architectural character throughout the Township the Draft Code also proposes three pilot Neighborhood Conservation Districts (NCD's) to provide more detailed form/architectural standards for residential neighborhoods with a defined unity of style above requiring architectural controls beyond the general standards provided in Article 3. The specifics of NCD's will be discussed at a future meeting focusing on Special Districts.

Article 4 - District Specific Standards – This Article contains the bulk, area and form standards for each district. The use of illustrations and charts to display zoning standards is significantly different from the existing code and is intended to make the Article easier to use.

Article 5 – Uses – This Article establishes which uses are permitted in which district and under which conditions/procedures some additional (limited) uses may be permitted.

Article 7- Conservation and Preservation Overlays – While commercial overlays have been eliminated, the Draft Code retains Township-wide overlays relating to environmental and historic resource preservation, such as the Historic Resource Overlay District for single site Class I and Class II Historic Resources not contained within a designated Historic District, the Open Space Preservation Overlay District on residential properties five acres and larger, and the Floodplain and Steep Slope Overlay Districts. These overlay districts are integral to maintaining the low density, high quality of the Township's single family residential districts.

Article 8 - Parking Standards -This Article consolidates all the parking standards for the various districts into a single chapter for ease of use. This Article also includes provisions for parking reductions and design of and location of off street parking.

**Policy Discussions-Staff is seeking direction from the B&P Committee on each of the topics listed below.**

**Minimum Off -Street Parking Requirements:** The draft document proposes reducing the minimum required off-street parking requirements in the MDR1 District from 2 spaces per unit to 1 space per unit and allowing on-street parking in front of units to be counted towards meeting the minimum off-street requirements. The Consultant proposed these reductions to reduce new construction costs and thereby promote affordability in transit-accessible neighborhoods.

- **Staff Comment:** While a laudable strategy to promote affordability, staff does not recommend reducing the minimum required off-street parking requirements in the MDR1 District at this time. Reducing off-street parking requirements is not a recommendation of the Comprehensive Plan. Residential parking standards should be comprehensively evaluated and potentially adjusted at a future date.
- **CEC Recommendation:** The CEC did not discuss at the meeting.

**Quads:** The MDR1 District permits Quads, which look like twins from the primary façade but allows for four dwelling units on a lot. This is a policy discussion to determine if the increased units are desired. An alternative may be to draft language to have one or two of the units reserved for affordable housing units, which would be consistent with the goals of the Comprehensive Plan. Quads are currently allowed in R6A and R7 Zoning Districts.

- **Staff Comment:** Zoning is only one component of the housing affordability puzzle. Increasing the supply of housing through modest density increases in existing affordable neighborhoods is a potential tool. Land use changes must be coordinated with educational/financing assistance to effectively address housing affordability issues and ensure that the increased density benefits the targeted population and does not lead to undesired speculative redevelopment and displacement.
- **CEC Recommendation:** Codify that the two additional units allowed under a Quad be affordable and revise the definition for Affordable Housing to include local metrics

**Accessory Dwelling Units (ADUs):** Large, detached Accessory Buildings, such as garages, are a characteristic of many of the Township's residential neighborhoods. Many of these structures have traditionally been utilized as ADUs to provide income to home owners, while providing affordable housing opportunities. The Draft proposes maintaining the current practice of permitting ADUs via Conditional Use for Class I or II Structures. The B&P is being asked to consider potentially extending ADUs into all single-family districts (with restrictions) or potentially permitting ADUs on Class I or II Structures via defined criteria rather than via Conditional Use.

- **Staff Comment:** Concur with the CEC Recommendation.
- **CEC Recommendation:** Allow Accessory Dwelling Units in all residential districts but include standards for adequate off-street parking and require owner-occupancy.

**Transfer of Development Rights (TDR):** Section 7.2.8 of the Draft Code includes provisions to permit the Transfer of Development Rights as an additional Open Space Preservation tool in the lowest density single-family districts. The Draft proposes permitting residential lots 25 acres and larger (Estate Lots) via Conditional Use to receive additional units from Sending Parcels (to be designated on the Official Map). The resulting density from the transfer is capped at 1.5 times the underlying density of the receiving parcel.

- **Staff Comment:** TDR is a recommended tool within the Comprehensive Plan and does not increase the total density of a district, but rather provides the Township with the opportunity to more effectively cluster development to promote open space.
- **CEC Recommendation:** The CEC did not discuss in detail in order to formulate a recommendation.

**Age-Targeted Housing:** Section 7.2.7 of the Draft Code includes provisions to permit a density bonus to incentive Age-Targeted Housing on residential properties 25 acres and larger via Conditional Use. The proposed density bonus may not exceed 1.5 the density of the underlying district.

- **Staff Comment:** Age targeted housing is intended to provide housing opportunities to a population identified within the Comprehensive Plan as well as reduce the impact on public schools via the development of the last remaining Estates within the Township. Staff notes that the proposed Age Restricted and TDR provisions may be combined on a single lot, but the resulting density may not exceed twice the underlying density.
- **CEC Recommendation:** Include a bonus for providing age-targeted housing on estate lots.

**Building Height:** The proposed building height requirements limit all single-family residential buildings to two stories or 35 feet, provided that no more than 50% of the attic was comprised of habitable space. The current Code limits single-family residential buildings to three stories or 35 feet. Additionally, residential buildings may be increased to 45 feet provided that the roof is sloped and that the front, side and rear yard setbacks increase where the building exceeds 35 feet. A policy discussion involves:

- Revising the proposed height standards to more closely align with the current standards, but lowering the maximum height to 40' with additional setbacks required, particularly in the LDR1 and LDR2 districts where the minimum lot size is 45,000 to 90,000 square feet;
- Clarifying the sloped roof standards; and
- Removing the attic requirements.
- **Staff Recommendation:** Staff recommends revising the building height standards as noted above.
- **CEC Recommendation:** The CEC did not discuss residential building height.

V. **Impact on Township Finances:**

This discussion will have no immediate impact on Township finances.

VI. **Staff Recommendation**

Staff recommends the Building & Planning Committee provide feedback on the LDR sections of the draft code and the topics in this Issues Briefing.

## Low Density Residential Zoning Requirements

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