

# **TOWNSHIP OF LOWER MERION**

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

### **Issue Briefing**

**Topic:** Zoning Code Amendment

**Prepared by:** Christopher Leswing, Director, Building & Planning Department

**Date:** July 26, 2019

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

Approval to authorize the advertisement of 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, in its entirety and revoking the text as it now appears.

**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:**

**Introduction**

This memo outlines outstanding issues required to complete the review of the Draft Zoning Code necessary for advertisement of a public hearing to adopt the new Code.

The Township adopted a new Comprehensive Plan in January of 2016. The primary recommendation of the Comprehensive Plan was the realignment of Township land use codes with the new community vision, goals and recommendations contained with the Plan. After a public request for proposal the Township retained DPZ Associates in 2017 to update the Zoning and Subdivision and Land Development Codes.

DPZ presented an initial Draft Zoning Code in October 2018. Since that time staff, the legislative body and the community have vetted the document. The Draft Zoning Code and Draft Zoning Map have been revised/reissued twice.

Draft 3.0 was presented to the Planning Commission (PC) on Monday, July 22, 2019 for recommendation and comment in accordance with the requirements of the Pennsylvania Municipalities Planning Code. The PC recommended that Draft 3.0 be advertised as presented and that the Building and Planning Committee consider a few

minor edits/clarifications. The details of the PC recommendation is summarized later in this memo.

Comprehensively updating the Township's Zoning Code has been a complex and time-consuming process. The 8-month public review of the Draft Zoning Code has been thorough and open as evidenced by the numerous modifications and refinements made to previous drafts. Staff is comfortable that Draft 3.0 is consistent with the goals and vision of the Comprehensive Plan and that it establishes regulations to address the vast majority of issues facing the Township. Staff recognizes that Zoning Codes are dynamic documents and additional edits and modifications will be required. Staff is of the opinion that adoption of the new Zoning Code in September has numerous advantages including requiring new development submitted after the adoption date to meet the new zoning standards, as well as, allowing the community to take stock from the process and thoroughly focus on matters which may require future zoning amendments such as housing affordability, senior housing and sustainability.

Staff recommends that the Building and Planning Committee recommend advertisement of a public hearing for September 18, 2019 on Draft 3.0 at their meeting on Wednesday, July 31, 2019. Prior to authorizing the advertisement, staff is seeking final clarification on several items which may require further modifications to Draft 3.0 prior to advertisement.

#### **Planning Commission Recommendation**

The PC recommended that the Building and Planning Committee advertise Draft 3.0 for adoption. The PC commented that the Draft Code effectively implements the Comprehensive Plan and noted that additional amendments may be necessary to align the Zoning Code with future land use code updates. The PC requested that the Building and Planning Committee consider the following minor changes prior to advertising the ordinance. Staff supports these amendments, which are further explained below.

1. Amend the definitions of Block and Transit Facility and add a definition of Craft Production.
2. Modify the maximum permitted height of a fence along a frontage from 5' to 4'.
3. Modify the required space between fence slats on Wooden Frontage Fences from between 3.5 inches and 5.5 inches, with a minimum spacing of 2.5 inches and a maximum of 5.5 inches.

The Planning Commission also recommended changing the standards for historic resources in the Open Space Preservation District. Currently, the footprint of buildings that are classified as Historic Resources are allowed to count towards a maximum of 20% of the required Preservation Area. The Planning Commission recommended that when a property is developed for residential purposes, that the footprint of the historic building no longer count toward the required Preservation Area.

Staff does not recommend making this change at this time.

### **Technical Clean Ups**

This briefing includes an attachment listing a few minor technical clean ups and corrections that were identified in the preparation of the review by the Planning Commission. This list includes changes to the Institutional Nature Preserve to permit Religious Residential uses.

### **Religious Residential Institutional Nature Preserve**

Staff recommends that Religious Residential Uses be added as a permitted use in the Institutional Nature Preserve to accommodate existing low intensity religious residential uses on former estates with a land preservation component. The Technical Clean Up attachment lists the sections of the draft code where text revisions would be required to accommodate this change.

### **Institutional Education District and Campus Plan Requirements**

This briefing is accompanied by a separate memo detailing the background, rationale and recommendations relating to permitting additional impervious surface for Institutional Educational Uses through Campus Plan approval.

Staff recommends that that the Building & Planning Committee consider modifying the amount of additional impervious surface permitted through Campus Plan incentives for Institutional Educational Uses from the proposed 5% up to a potential of 15%. The supplemental memo on this topic also includes a draft amendment to the existing Subdivision and Land Development Code to regulate Campus Plans.

### **LMSD concern over proposed Building Height requirements in relation to Institutional Building Construction**

At the Planning Commission meeting on July 22<sup>nd</sup>, representatives of LMSD presented information indicating the proposed maximum height of 3-stories or 40' for Principal Buildings in the Institutional Educational District does not provide sufficient floor to ceiling height to accommodate customary heating/cooling infrastructure. LMSD requests that the maximum height be increased to 45'. Staff notes that the height of Principal Buildings in the Institutional Educational District may be increased to a total of 4 stories/50' with additional setbacks. Detailed information prepared by LMSD pertaining to this request has been included as an attachment.

## **V. Impact on Township Finances:**

While this ordinance may have an impact on Township finances, staff has not performed a detailed analysis of those impacts at this time.

## **VI. Staff Recommendation**

Staff recommends the Board of Commissioners authorize the advertisement of a notice of intent to hold a public hearing and adopt an ordinance to amend the Zoning Code.