

TOWNSHIP OF LOWER MERION

Building & Planning Department

Memorandum

Topic: Zoning Code Workshop – Draft 3.1

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Background

This memo summarizes issues and presents recommendations to address issues many of which were raised during the 45-day review period prior to and at the September 18th Public Hearing on the Zoning Ordinance. Public comment since the Draft was first released in November of 2018 has resulted in hundreds of edits to the draft code, many of them substantive.

Issues in this memo can be broadly categorized as relating to Institutional use and density, application of Historic Incentives to larger properties, and clarifications of proposed standards. Specific Issues are detailed below. Staff has prepared an accompanying chart identifying specific sections of the Code where revisions are necessary to address each issue. In addition to the identified major issues the chart also includes additional language to address comments raised by the Township Solicitor, the Montgomery County Planning Commission (MCPC) and the Environmental Advisory Council (EAC).

Additionally, a number of minor edits have been identified since the September 18, 2019 public hearing and they are proposed to be addressed with the next edition of the draft Zoning Code. While this memo highlights the large policy issues, a comprehensive list of edits is included as a supplement to this memo.

This memo also includes information on testing the Code and a proposed timeline for future public meetings.

At the October 30, 2019 Building & Planning Committee meeting the Board will consider the proposed revisions and provide direction to staff regarding which revisions to make prior to the adoption of the Zoning Code.

1. Institutional Zoning: Appropriate Zoning Designations, Permitted Uses and Impervious Surface

The draft Zoning Code establishes an Institutional District comprised of four sub-districts: Institutional Nature Preserve (IN), Institutional Civic (IC), Institutional Education (IE) and Institutional Housing (IH). Several issues were raised during the earlier 45-day review period

concerning the future use and density of several large institutional properties in the Institutional District. Considering comments raised at the September 18th Public Hearing staff reevaluated the designation of some institutional properties with multiple uses to better address their future evolution and drafted language to refine the density provisions consistent with the Comprehensive Plan.

Staff is recommending:

- a) **Zoning Map Changes:** Saint Charles Borromeo Seminary, the Jesuit Community at Saint Josephs University (SJU) and the Society of the Holy Child Jesus Convent be reclassified to the Institutional Housing District to reflect their primarily residential religious use. Saint Charles Borromeo Seminary, and the Jesuit Community at SJU is currently designated as Institutional Education and the Society of the Holy Child Jesus Convent is currently designated as Institutional Civic. View the table below.

INSTITUTIONAL HOUSING (IH) ZONING DISTRICT					
Properties in the IH Zoning District					
Name	Address	Existing Impervious (%)	Most Restrictive Abutting District	Proposed Impervious. Permitted	HRI
Waverly Heights	1400 Waverly Rd.	26.0%	LDR1	20%	2
Beaumont at Bryn Mawr	601 N Ithan Ave.	23.0%	LDR1	20%	1
Saunders House	100 Lancaster Ave.	33.0%	MDR3	50%	NA
Mary J. Drexel Home/ The Hearth at Drexel	238 Belmont Ave.	26.0%	LDR3	28%	2
Sunrise Assisted Living Center	Montgomery Ave.	53.9%	LDR3	28%	NA
Symphony House	35 Old Lancaster Rd.	38.8%	LDR4	45%	NA
Golden Living	35 Rosemont Ave.	-	LDR3	28%	NA
Properties Proposed to be Moved into the IH Zoning District					
St. Charles Borromeo Seminary	100 E. Wynnewood Rd.	20.95%	LDR3	28%	1
Society of the Holy Child Jesus	1341 W. Montgomery Ave.	18.8%	LDR2	21%	NA
Jesuit Community at SJU	261 City Ave.	28%	MDR1	50%	2

- b) **Residential Religious Uses and Standards:** Residential Religious uses are currently allowed in the Institutional Nature Preserve (IN), and the Institutional Civic (IC) districts. The term “Residential Religious” is defined as follows: *A structure containing a living*

arrangement occupied by a religious institution and operated as an integral part of that religious institution for the use of its members.

- 1) Broaden the definition for Institutional Housing to include Residential Religious uses and revise the use tables in Article 5 accordingly. This revision allows the IE and IC properties with a significant residential religious use and similar characteristics to be included in the IH District.
 - 2) Add density provisions for Residential Religious uses. Staff recommends that if a Residential Religious use has frontage and access on a Primary, Secondary or Tertiary road, that a minimum lot area of 1 unit per 30,000 square feet apply. Where a Residential Religious use does not have access to a Primary, Secondary or Tertiary Road the minimum lot area matches that of the most restrictive abutting residential district.
- c) **Institutional Housing (IH) Impervious Surface:** Limit the impervious surface standard in the IH District to match that of the most restrictive abutting district and remove the 5% impervious surface increase for the IH District. This revision will result in the application of the same impervious surface for lots in the IH District and the surrounding residential neighborhood.
- 1) Continuing Care Facilities are only permitted in the IH District. Permit existing Continuing Care Facilities that would become nonconforming or would be within 5% of the maximum proposed impervious surface limit for the IH District to increase their impervious surface by 5%.
- d) **Skilled Nursing Facilities:** In the Institutional District Skilled Nursing Facility is permitted in the IH and the IC Districts. This use is only allowed in existing buildings.
- 1) Staff recommends limiting the Skilled Nursing Facility use to lots with frontage and access onto Primary, Secondary and Tertiary roads. This addresses the concern that a Skilled Nursing Facility could be located on a minor road in a residential neighborhood.
 - 2) Edit the standards for Skilled Nursing Facilities to include a cap of 200 beds. While Skilled Nursing is a relatively compact land use, the cap still allows Skilled Nursing Facilities to grow, while addressing neighbors' concerns regarding density and traffic. The recently approved land development application at 211 Belmont Avenue has the largest number of Skilled Nursing Facility beds in the Township at 96 beds.
 - 3) Limit the ability to expand existing buildings by reducing the permitted expansion from 50% to 25%.
- e) **Institutional Nature Preserve (IN) Impervious Surface:** Concern was also expressed regarding the ability for Institutional Nature Preserve properties to develop significantly larger buildings under the draft impervious surface standards. Staff recommends limiting the impervious surface standard to match that of the most restrictive abutting district and removing the automatic 5% impervious surface increase for the IN District.

2. Institutional Zoning: Impervious Surface Cap

Concerns were raised over how the 47% impervious surface cap will be applied in the Institutional Districts. The cap applies to all bonuses, except for the Historic Resource Overlay District bulk incentive. An institution with a historic resource may exceed the 47% cap, subject to obtaining conditional use approval from the Board of Commissioners. The attached chart includes draft text to clarify how the impervious surface cap is applied.

3. Historic Resource Overlay District: Calibrate Multifamily & Office Conversion Incentives

The 45-day review period identified potential ambiguities pertaining to multifamily or commercial historic conversions and accessory uses on institutional properties. Historic conversion provisions were originally crafted to discourage teardown of neighborhood churches and clubs. Current concerns are focused on potential density issues with applying conversions to much larger properties.

Staff is recommending:

- a) Limiting the use of historic conversion incentives to one use incentive per lot. This follows current practice. It allows the applicant to take advantage of just one use incentive and eliminates the concern that a developer could convert a single property into multiple higher intensity or non-residential uses.
- b) Clarifying the minimum Lot Area standards in the Institutional District. The form tables in Article 4 will be revised to state that the Lot Area is established by the most restrictive abutting district. It is currently not stated as such.
- c) Removing the ability for a developer to convert a non-historic accessory building into a multifamily building. This revision addresses the concern that someone could purchase a property with a historic resource and build a large accessory structure with the intention of applying for a conversion.
- d) Limiting the converted office use to 100,000 square feet of the existing gross habitable floor area.

4. Open Space Overlay District: Clarify Applicability

The Comprehensive Plan recommended expanding the application of the Open Space Preservation District to institutional properties over five acres that are developed residentially.

Staff recommends that the Board expand the applicability of the Open Space Overlay District to include properties in the Institutional District that are over five acres in size and are developed for residential or religious residential purposes.

5. Institutional Zoning: Clarify “Abutting” or “Adjacency” Provisions

During the adoption process, various institutions questioned how the form standards based on the abutting district standards would apply to extremely large lots that abut commercial areas/multifamily properties on one side and low density, single-family properties on the other side. Another question raised was how these standards would apply to a lot completely surrounded by other institutionally zoned lots.

Revised language is provided in the attached chart to clarify that the standard is based on the most restrictive abutting zoning district. The revised text also clarifies how the standard is applied in the situations noted above.

The terms “Abutting” and “Adjacent” have been used interchangeably throughout the adoption process. However, the term “Abutting” is defined and the term “Adjacent” is not. A new definition for the term “Adjacent” and a revised definition for the term “Abutting” is provided in the attached chart.

6. Institutional Zoning: Campus Plan

The Campus Plan provisions to incentivize modest growth of institutional campuses with enhanced form regulations will be placed in reserve. Future amendments will be introduced at a later date.

7. Institutional Zoning: Lot Width

The form tables in the Draft Zoning Code state that a minimum lot width is not required. Lot Width in Institutional Districts will be modified to match the lot width of the most restrictive abutting zoning district.

8. Minor Zoning Map Revisions

Depending on the outcome of a pending Lot Line Change at 321 Caversham Road, the property which is currently designated as IE may be changed to LDR3, which is consistent with other residential properties on the same street. The property is owned by Bryn Mawr College.

Name	Current Zoning District	Draft Zoning District	Requested Zoning District	Reason for Rezoning
321 Caversham Road		IE	LDR3	This is a placeholder in the event that Bryn Mawr College proceeds with subdivision approval of the property in November. If the subdivision is withdrawn the item will be deleted.

9. Auto Related Services: Gas Stations

Concern has been expressed that Auto Related Services, which are allowed as a regulated use in the VC, TC1, TC2, and the Rock Hill Road Districts include gas station uses. An Auto Related Service is defined as “*A place of business serving minor auto-related needs including, but not limited to: motor vehicle sales, car rental, minor repairs, retail sales such as auto parts, tire store, gas station and car wash.*” The primary concern is that the auto-dependent nature of a gas station is inconsistent with maintaining a functional pedestrian environment.

Form Based Codes are appropriate tools to address the pedestrian environment and staff has been testing how the minimum building provisions, curb cut limitations and Frontage Yard could be applied. Staff recommends that the Frontage Yard Prohibitions contained within Section 3.5.6.a be modified to also prohibit Vehicular Fueling Areas (for gas or electric vehicles) in front yards. This would direct these uses to the rear or side of buildings and promote active pedestrian environments.

10. Introduce Electric Vehicle Standards into Commercial & Multifamily Districts (EAC Comment)

The EAC proposed amendments to the Zoning Code to introduce electric vehicle standards in commercial and multifamily districts. The EAC plans on refining standards through the Sustainability Plan next year. In the meantime, the Parking Standards have been revised to reserve a section for Electric Vehicle standards to be added at a later date.

11. Predominant/Prevailing Setbacks (MCPC Comment)

The MCPC letter recommended adding Predominant/Prevailing Setback requirements in more walkable districts to ensure that infill development is consistent with the established pattern – as was recommended in the Comprehensive Plan. Staff agrees with this comment and is working with the MCPC to craft standards to be presented on or before the 10/30 B&P Meeting.

12. Residential Impervious Surface: Modifications to LDR3

Staff is recommending that the maximum impervious surface level of the LDR3 District be reduced from 30% to 28% to better reflect existing conditions.

13. Residential Lot Width: Modifications to MDR1

Staff is recommending that the minimum lot width for Single Family Dwellings and Duplexes in the MDR1 District be increased from 50 feet to 60 feet and the minimum lot width for Twins in the MDR1 District be increased from 30 feet to 35 feet to discourage inappropriate subdivisions.

14. Testing the Draft Zoning Code

Staff has engaged the MCPC to test the Draft Zoning Code. Because of their familiarity with the Township's Comprehensive Plan and Draft Zoning Code the County is best equipped to test how the code works with Institutional, Commercial and Residential examples that would require land development. Staff has also reached out to local professionals familiar with smaller residential expansions not requiring land development to further test the Code. Staff will continue to analyze the Code utilizing GIS to ensure that the proposed zoning is properly calibrated with what is on the ground. Results of the testing will be presented at the December 4th B&P Meeting.

Proposed Schedule

- **October 30th: B&P Meeting** to review staff recommendations to address issues raised at the September 18th Public Meeting.
- **Tentative: November 6th B&P Meeting** (Continue discussions from 10/30, if needed)
- **December 4th: B&P Meeting** to review MCPC Testing Results/Findings and any resulting Code amendments.
- **December 18th: Board of Commissioners Meeting**