

**MONTGOMERY COUNTY
BOARD OF COMMISSIONERS**

VALERIE A. ARKOOSH, MD, MPH, CHAIR
KENNETH E. LAWRENCE, JR., VICE CHAIR
JOSEPH C. GALE, COMMISSIONER



**MONTGOMERY COUNTY
PLANNING COMMISSION**

MONTGOMERY COUNTY COURTHOUSE • PO Box 311
NORRISTOWN, PA 19404-0311
610-278-3722
FAX: 610-278-3941 • TDD: 610-631-1211
WWW.MONTCOPA.ORG

JODY L. HOLTON, AICP
EXECUTIVE DIRECTOR

November 26, 2019

TO: Chris Leswing, Director of Building & Planning, Lower Merion Township

FROM: Montgomery County Planning Commission

Marley Bice, AICP, Principal Planner

mbice@montcopa.org, 610-278-3740

Pattie E. B. Guttenplan, RLA, AICP, Section Chief – Design Planning & Graphic Design

pguttenplan@montcopa.org, 610-278-3972

Tamar Nativ, Urban Design Planner

tnativ@montcopa.org, 610-278-3757

SUBJECT: Draft Zoning Code Test Findings and Recommendations

BACKGROUND

The Montgomery County Planning Commission (MCPC) was asked by Lower Merion Township staff to test provisions in the township's draft zoning code and to identify any areas for clarification, revision, or further study. In coordination with township staff, MCPC ran a day-long charrette that brought together MCPC staff with planners, engineers, developers, architects, and other professionals to test the township's proposed zoning code provisions by determining how the proposed zoning code would impact specific sites within the township. The development potential of different sizes and types of sites throughout the township were evaluated, along with the dimensional and design criteria that would be applied to each development scenario. Overall, properties proposed to be zoned residential, commercial, and institutional were tested.

Based on our internal review of the draft zoning map and zoning code provisions, as well as the feedback received through the charrette process, we have identified several recommendations that the township may wish to consider to strengthen their proposed zoning code. Our recommendations are grouped below by zoning district type and/or general topic area.

In addition, each recommendation has been assigned a category: (1) recommendations that are **minor revisions** or clarifications that could be undertaken immediately, (2) revisions that may require additional **policy discussion** or legal review (including potential zoning map revisions), and (3) changes or new standards that should be explored further through a detailed **master planning** process for certain areas of the township.

COMMENTS AND RECOMMENDATIONS

A. VILLAGE CENTER (VC) AND TOWN CENTER (TC) DISTRICTS

| COMMENT A1 | |
|--|---|
| <p>Variations in VC and TC Districts: Several properties proposed to be zoned Village Center (VC) in different areas of the township were tested. It was noted that VC districts along Montgomery Avenue and in Gladwyne are significantly different in scale and character than the VC districts along Lancaster Avenue. Different standards may be necessary to establish proper front setbacks, building height limits, and public space standards. In terms of building height, a 3 story maximum building height may not incentivize redevelopment in some of the districts where this is a policy objective, primarily due to the cost of structured parking that would be necessary in many cases.</p> | |
| RECOMMENDATION | CATEGORY |
| More refinement of height limits could be based on street typology within the VC and TC districts | Master Planning; Policy Discussion |
| Consider establishing a VC1 district that could include larger commercial areas along primary arterial roads. Evaluate through master planning whether some areas could accommodate 4 story buildings with additional setbacks above the third floor. | Master Planning; Policy Discussion |
| Consider establishing a VC2 district that could include smaller commercial areas along secondary roads where a greater front setback of 15-20 feet, lower impervious coverage limits, and/or a 2 story building height limit may be more appropriate. | Master Planning; Policy Discussion |
| For the TC districts, evaluate through master planning increasing the building height limit to 5 stories in certain areas, with the provision of incentives such as public parking or public gathering space, and front and side setbacks above the third floor. | Master Planning; Policy Discussion |

| COMMENT A2 | |
|--|------------------------|
| <p>Frontage Occupation: A minimum frontage occupation requirement is included in the commercial zoning districts. Through site testing, the need for a clear definition of frontage occupation was identified. Additional standards for how to measure frontage occupation and what counts towards the minimum percentage frontage occupation should also be added to Article 3. In addition, a 90% frontage occupation requirement (TC1) may be overly restrictive on certain sites, such as narrow lots and corner lots and could disincentivize the creation of public green spaces along the street frontage.</p> | |
| RECOMMENDATION | CATEGORY |
| Add a definition for "frontage occupation" to Article 2 and additional standards in Article 3. All required setbacks and required pedestrian and vehicular accessways should be excluded from the frontage occupation requirement. | Minor Revision |
| Add language related to the application of "frontage occupation" to Article 3 clarifying that frontage yard types that allow buildings to be setback further than the maximum front yard setback (e.g., pedestrian forecourt) count towards the frontage occupation calculation. | Minor Revision |
| More refinement of the frontage occupation requirement could be based on street typology within the VC and TC districts. Consider reducing the frontage occupation requirement to allow for more flexible site layout and the creation of public green spaces along the street frontages through a master planning process. | Master Planning |

| COMMENT A3 | |
|---|-----------------------|
| <p>Frontage Yard Types: Based on the illustrations and descriptions of permitted frontage yard types in Article 3, it appears that a “pedestrian forecourt” frontage yard could not be applied at a corner, similar to the “vehicular forecourt” frontage yard type. Pedestrian-oriented public spaces at the corners of prominent commercial sites with multiple street frontages could become attractive focal points within the township’s commercial districts. Corner pedestrian plazas should be appropriately landscaped, activated by ground floor commercial storefronts, and accessible from both the sidewalk and the adjacent buildings.</p> | |
| RECOMMENDATION | CATEGORY |
| Modify the illustration and description of the “pedestrian forecourt” frontage yard type to permit this type of frontage yard to be applied at the corner of corner properties in the VC and TC districts, or create a new frontage yard typology for “pedestrian forecourts” at corner locations, rather than mid-block locations. | Minor Revision |

| COMMENT A4 | |
|--|------------------------|
| <p>Commercial Ground Floor: Table 5.3 requires that all multi-family buildings in the VC and TC districts have “storefront” on at least 80% of the primary front façade of each building. Through development scenario testing, it was noted that the current market is not likely to support all storefront retail on the ground floor of each building. Additional standards related to the configuration of ground floor commercial spaces, such as a minimum depth, would help encourage the creation of flexible and marketable commercial spaces.</p> | |
| RECOMMENDATION | CATEGORY |
| Clarification is needed because the term “storefront” is meant to refer to a building façade typology rather than a land use. In general, the definition of “storefront” in this context should be broad enough to include office, community space, and other appropriate ground floor uses. Also, a minimum depth of at least 40 feet should be required for retail space. | Minor Revision |
| More refinement of the ground floor commercial activation requirement could be based on street typology within the VC and TC districts. Consider reducing the amount of required ground floor activation along secondary streets through a master planning process. | Master Planning |

| COMMENT A5 | |
|--|------------------------|
| <p>Building Separation and Rear Setback: Several zoning tests of VC and TC sites were conducted that suggested that some of the setback standards should be evaluated. For example, the lack of a rear setback requirement in the VC and TC district could result in an odd site layout if two buildings in these districts abut each other along a rear property line without a rear setback or building separation requirement.</p> | |
| RECOMMENDATION | CATEGORY |
| A master planning process will help establish whether a rear separation is a concern in the VC and TC districts, and if so, a rear setback requirement could be applied to resolve conflicts in specific locations. | Master Planning |

| COMMENT A6 | |
|--|------------------------|
| <p>Build-to-Line/Front Setback: The front setback range of 12-15 feet in the VC and TC districts can be too narrow to allow sufficient sidewalk space for tree planting, sidewalk and outdoor dining, dependent on the location of the right-of-way relative to the current curblin. Also, mixed-use residential buildings located along primary roads may require a greater, landscaped front yard setback to allow them to be buffered from high traffic volumes.</p> | |
| RECOMMENDATION | CATEGORY |
| The front setback/build-to-line requirement in the VC and TC districts could be more clearly defined through master planning. Context-sensitive streetscape standards that | Master Planning |

| | |
|--|--|
| include street cross-section illustrations for different commercial areas within the township could also be created. | |
|--|--|

| COMMENT A7 | |
|---|--|
| Building Stepbacks: Potential building massing of mixed-use buildings on several TC1 sites was tested and suggestions related to the impact of the required building stepbacks above the third floor were identified. For example, if a rear setback were to be added, also requiring a rear stepback may be unnecessary and could make the upper floors less feasible to develop. | |
| RECOMMENDATION | CATEGORY |
| Remove rear stepback requirement for TC1 if a rear setback requirement is added. | Minor Revision; Master Planning |
| Establish a 10 foot side stepback above the third floor for buildings in the TC1 district along side property lines where a shared party wall is located. A new 4+ story building would fit into the built environment of the TC1 district better with a stepback that wraps around the upper floors as viewed from the street and allow for visual separation between taller buildings. This requirement should not apply to narrow lots (e.g., lots less than 100 feet wide). | Minor Revision |

| COMMENT A8 | |
|---|------------------------|
| Building Separation: The VC and TC districts do not require a minimum separation between multiple non-residential buildings on a site which can result in inappropriate building mass in certain districts. | |
| RECOMMENDATION | CATEGORY |
| A master planning process will help establish the extent of Downtown Ardmore (TC1), where existing street blocks provide sufficient separation between building blocks. In other locations of the VC/ TC district, a building separation of 50 feet and a maximum building length of 250-300 feet would be appropriate. | Master Planning |

B. MEDIUM DENSITY RESIDENTIAL (MDR) DISTRICTS

| COMMENT B1 | |
|--|--------------------------|
| Residential Subdivision Design: New residential development scenarios were tested for several MDR sites. The lack of design standards, particularly for rowhouse developments, was noted, as well as the need to evaluate some of the dimensional standards related to this type of development. | |
| RECOMMENDATION | CATEGORY |
| Enhance rowhouse design standards and site layout by reducing the potential for the development of new cul-de-sacs: Option 1: Require all new townhouses to have frontage on an existing public road. This is a more restrictive path that will reduce density significantly for larger lots. Option 2: Allow rowhouses to front onto internal roadways or alleys provided there is a continuous internal road network (i.e., no cul-de-sacs). Internal roadways/alleys shall have the same design standards as public streets (e.g., require street trees). | Policy Discussion |

| COMMENT B2 | |
|--|--|
| MDR2 on Montgomery Avenue: Parts of the south side of Montgomery Avenue between Lower Merion High School and Booth Lane are currently characterized by multifamily buildings on large lots and are proposed to be zoned MDR2 which does not permit "large multifamily". The densest residential land use permitted in the MDR2 district is "small multifamily", which is somewhat challenging to develop on larger lots, such as those located in this area of Montgomery Avenue. Therefore, rowhouse development could be incentivized on large lots zoned MDR2, where larger multi-family buildings may actually be more appropriate. | |

| RECOMMENDATION | CATEGORY |
|---|--------------------------|
| Consider up zoning large MDR2 lots on the south side of Montgomery Avenue to MDR3 to reflect existing land uses. | <i>Policy Discussion</i> |
| The restriction of a maximum of 6 units per building (“small multi-family”) in MDR2 districts seems arbitrary and could restrict alternate building layouts such as courtyard type buildings. A dimensional standard could be based on building size rather than unit count to allow for more flexibility in building design and site layout. In addition, specific building design standards should be added for situations where more than two multifamily buildings are proposed on a lot. | <i>Policy Discussion</i> |
| Evaluate through master planning increasing the minimum front yard setback for MDR districts along Montgomery Avenue to maintain the established green setback. | <i>Master Planning</i> |

| COMMENT B3 | |
|--|--------------------------|
| Preservation of Existing Affordable Housing: The MDR2 district includes several locations of affordable rowhouses on small, non-conforming lots. The MDR2 proposed standards for rowhouses and “small multifamily” could potentially incentivize redevelopment of those areas, if several lots were to be assembled. | |
| RECOMMENDATION | CATEGORY |
| Consider mapping the exact locations where these conditions exist in the MDR2 district and consider downzoning them to MDR1. The lower density limit in the MDR1 district could make redevelopment of these blocks less likely. | <i>Policy Discussion</i> |

C. INSTITUTIONAL (I) DISTRICTS

| COMMENT C1 | |
|--|--|
| Institutional Building Stepbacks: A building stepback for buildings greater than 3 stories tall is not required in the institutional districts, which could be especially important for the façade of a building located along a pedestrianway. | |
| RECOMMENDATION | CATEGORY |
| Consider institutional front stepbacks above the third floor to create a pedestrian-scale along the main building frontage. It may be necessary to differentiate between primary roads such as Montgomery Avenue versus City Avenue because the adjacent residential context of certain institutional properties may require greater stepbacks than institutions located along commercial corridors. | <i>Minor Revision; Master Planning</i> |

| COMMENT C2 | |
|--|--------------------------|
| Institutional Green Space Location and Design: Impervious coverage requirement does not provide guidance regarding preferable locations of green spaces. Specifically in institutional districts where there is extensive open space with impervious coverage limit as low as 21% and large lots, it is important that pervious surfaces are maximized as well-designed open space. | |
| RECOMMENDATION | CATEGORY |
| Amend the dimensional standards tables for the Institutional districts in section 4.4 to require a minimum of 15% of the pervious area of the site be useable green space. These standards could be refined based on lot size and zoning district. Useable green space integrates amenities (e.g., plaza, garden, gazebo, benches), is connected to the main buildings on the site by pedestrian pathways, and incorporates significant landscaping. | <i>Minor Revision</i> |
| Establish design guidelines for open space within institutional districts. This can be achieved either by an overlay district that applies to institutional tracts (like the OSOD for residential districts), or by adding an open space section to section 4.4. | <i>Policy Discussion</i> |

D. ARCHITECTURAL DESIGN STANDARDS

| COMMENT D1 | |
|---|-----------------------|
| Façade Articulation: Section 3.8.3 of the proposed zoning code requires a change in building plane of at least 4 feet every 160 feet for multi-family buildings. Uninterrupted building façade lengths of 160 feet would be out of character in most areas of the township. | |
| RECOMMENDATION | CATEGORY |
| Refine the façade articulation standards based on zoning district and building typology: <ul style="list-style-type: none">• <u>Mixed-Use Buildings (VC and TC Districts)</u>: The ground floor design shall be regulated by storefront standards. Require façade articulation at a spacing of at least every 50 feet through a change in building material or building façade depth.• <u>Multi-Family Buildings (MDR Districts)</u>: Require façade articulation at a spacing of at least every 50 feet through a change in building material or building façade depth. | Minor Revision |

E. LANDSCAPE AND GREEN SPACE STANDARDS

| COMMENT E1 | |
|---|-----------------------|
| Landscape Design Standards: Through the testing process, an opportunity to clarify how the draft zoning code's landscape requirements relate to the township's existing landscape standards in other codes, such as the subdivision and land development ordinance (SALDO), was identified. | |
| RECOMMENDATION | CATEGORY |
| Expand section 3.10 "Landscape Standards" to include a reference to the street tree requirement in SALDO section 135-30. | Minor Revision |
| Amend the table of greening standards in SALDO Attachment 1, Table 1 (SALDO section 135-41.4) to specify which standards apply to the VC, TC, and RHR districts. | Minor Revision |

| COMMENT E2 | |
|---|-----------------------|
| <u>Green Space Design Standards on Large Lots</u> : When large lots redevelop, a minimum area of the site must be pervious based on the maximum impervious coverage limit; however the code does not include standards for how this green space should be designed and standards to ensure it is a useable amenity for residents and users of the site. | |
| RECOMMENDATION | CATEGORY |
| Amend the dimensional standards tables for the VC and TC districts in sections 4.2 and 4.3 to require a minimum amount of useable green space on large sites. The requirement should be relative to the size of the lot (e.g., a minimum of 3% of the lot area, or 3,000 sq. ft., whichever is greater) and exempt small lots (such as lots less than 2 acres in size). Additional standards should ensure the green space design incorporates amenities (e.g., plaza, garden, gazebo, benches) and is connected to the main buildings on the site by pedestrian pathways. A similar requirement could be applied to rowhouse and multi-family developments in the MDR districts. | Minor Revision |

F. PARKING STANDARDS

| COMMENT F1 | |
|--|--|
| <u>Residential Parking Requirement for Mixed-Use Buildings</u> : During the development scenario testing of mixed-use redevelopments on larger VC and TC lots, it was noted that the minimum residential parking requirement of 1.5 spaces per unit is too high and could incentivize larger, luxury residential units due to the cost of constructing structured parking. | |

| RECOMMENDATION | CATEGORY |
|--|------------------------|
| Consider refining the minimum parking requirement for residential units in the VC and TC districts based on the number of bedrooms, or the size of the unit, so that smaller units have a smaller parking requirement. | <i>Minor Revision</i> |
| Evaluate opportunities for shared parking and central public parking facilities within dense commercial areas as part of a master planning process. | <i>Master Planning</i> |

| COMMENT F2 | |
|---|-----------------------|
| Commercial Driveway Width: Section 8.5.3.a.ii. limits the width of driveways in the VC, TC, and RHR districts to 20 feet, which may be too narrow to accommodate commercial truck traffic for deliveries to retail establishments such as grocery stores. | |
| RECOMMENDATION | CATEGORY |
| Consider moving the maximum driveway width standard to the SALDO so that it can be evaluated more easily on a case-by-case basis. | <i>Minor Revision</i> |

G. MISCELLANEOUS

| COMMENT G1 | |
|--|--------------------------|
| Historic Resources Overlay District (HROD): The HROD does not include specific guidelines related to the preservation of buffers and viewsheds around historic properties, which is of particular importance on sites where additional infill development around historic properties is possible. In addition, on sites where both the HROD and OSOD apply, it is unclear what land uses are permitted because the OSOD is restricted to residential land uses, while the HROD allows non-residential land uses as well. | |
| RECOMMENDATION | CATEGORY |
| Language could be added to section 7.1.2 "Applicability" to clarify that the greater range of permitted land uses in the HROD applies to properties where both the HROD and OSOD apply. | <i>Policy Discussion</i> |
| Consider adding language to the HROD to establish a buffer of open space around historic properties to help preserve viewsheds of the historic resource. These standards could be refined based on lot size and zoning district. | <i>Minor Revision</i> |

| COMMENT G2 | |
|--|-----------------------|
| Open Space Overlay District (OSOD): Section 7.2.5.a. requires a minimum setback from any tract property line equal to the front setback of the underlying district. It is unclear whether the structures can align with the setback so that the front yard of each new property within a cluster development is within that setback yet remains unbuilt (i.e. the required setback serves as the front yard of properties). If the setback is prohibited from serving as the front yard for these properties, this eliminates the opportunity of creating a street frontage, and this seems to be an unwanted consequence. | |
| RECOMMENDATION | CATEGORY |
| Clarify language in 7.2.5.a. to allow the required tract setback to be provided within the front setback of properties facing the street. | <i>Minor Revision</i> |

| COMMENT G3 | |
|---|-----------------------|
| Lots Currently Non-Conforming to Impervious Coverage: The proposed zoning code does not establish building coverage limits. Existing non-conforming lots with high impervious coverage can claim existing non-conforming status, if less than 75% of the existing impervious surface is removed as part of the redevelopment. This can result in higher building coverage and impervious coverage levels. | |
| RECOMMENDATION | CATEGORY |
| Consider creating building coverage limits for sites that will be non-conforming to the impervious coverage limits under the proposed zoning code. | <i>Minor Revision</i> |

| COMMENT G4 | |
|---|---------------------------------|
| Ordinance Useability: The detailed regulations within the code include numerous cross references, as well as the use of alternate dimensional and design standards based on the zoning classification of adjacent properties, could be difficult for some individuals to follow. | |
| RECOMMENDATION | CATEGORY |
| <p>A user manual could include a summary list of the most pertinent articles and sections within the zoning code and a flow chart to help guide users. Based on our experience testing the draft zoning code, the most commonly used sections include:</p> <ul style="list-style-type: none">• Article 3 – for standards general to all districts (especially sections 3.3 –3.10)• Article 4 – for standards specific to each district (excluding “special districts”)• Article 5 – for standards related to land use• Article 6 – for standards for “special districts”• Article 7.1 – for historic resources• Article 7.2 – for residential properties of 5 acres or greater• Article 8 – for parking standards | <i>Policy Discussion</i> |

Lower Merion Zoning: User Guide

