

TOWNSHIP OF LOWER MERION

Building & Planning Committee

Issue Briefing

Topic: Ordinance to Amend City Avenue District – Regional Center Area

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

Date: November 9, 2018

I. Action To Be Considered By The Board:

Consider authorizing the Township Secretary to advertise an ordinance and schedule a public hearing to amend the Zoning Code to revise the City Avenue District – Regional Center Area (RCA) to limit the applicability of incentives for developments that include single-use residential buildings and to add design flexibility to promote commercial development. The amendments also apply to the Bala Cynwyd Retail District (BCR) as the bulk requirements refer back to the RCA standards.

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 City Avenue District offers 19 incentives in exchange for elements that advance the goals and objectives of the district and provide some element of public benefit. Six (6) of the incentives are available exclusively to mixed-use buildings or multiple use developments. The remaining 13 incentives could also be applied to single-use buildings.

IV. Other Relevant Background Information:

Recent land development applications involving high density, primarily single-use, residential buildings in the City Avenue Districts have exceeded the anticipated balance between residential, retail and commercial developments established in the Land Use Assumptions portion of the City Avenue Act 209 study, which assumptions led to the standards in the adopted City Avenue District codes. This has resulted in more multi-family units being built than were projected to be built in the first ten-year implementation period of those codes.

Staff was directed to prepare an ordinance that addresses this and to propose amendments to the Zoning Code to limit the development potential for future multifamily projects in the City Avenue District. The proposed ordinance includes: A) clean up language to sections with typographical errors; B) amendments to density incentives to limit future multifamily development; and C) amendments to provide flexibility for commercial development that achieves the goals and objectives of the City Avenue District. The following table identifies which category each section of the ordinance falls under.

Category A: Clean Up	Category B: Limit multifamily development	Category C: Improve Flexibility
Section 1: Define Single-Use Building	Section 5: Remove ability for single-use residential buildings to use FAR density increases	Section 4: Dimensional Standard variations by Conditional Use
Section 2: Number of districts		Section 5: Underground/ Wrapped Parking and Transit Facility Increases
Section 3: Building appurtenances		
Section 6: Unnecessary text		

A brief description of the proposed amendments is provided below. Asterisks indicate that a change to an incentive is proposed.

- Section 1 Adds a definition for Single-Use Buildings. The term is used in the City Avenue District and the Mixed-Use Special Transportation Overlay District. (Category A: Clean Up)
- Section 2 The amendment clarifies that the City Avenue District is divided into three districts: Regional Center Area, Bala Cynwyd Retail, and Bala Village. It is a simple housekeeping item and does not impact the zoning standards. (Category A: Clean Up)
- Section 3 Clarifies the penthouse requirements. Penthouses are exempt from the maximum height limit provided they are setback 20 feet from the exterior walls and occupy less than 50% of the floor area of the story immediately below. However, the definition for Height of Building in §155-4 allows for chimneys, parapet walls, equipment housings and other similar projections to exceed the maximum building height by up to 12 feet, provided they do not occupy more than 10% of the roof area. This amendment clarifies that occupiable penthouses shall be setback, and that penthouses designed for equipment housings, including elevators, may exceed the maximum building height by up to 12 feet, which is consistent with the definition for Height of Building. (Category A: Clean Up)
- Section 4 Allows for variations to the dimensional standards by Conditional Use provided the variations are in furtherance of the goals and objectives of the City Avenue District. When Conditional Use is sought to not provide a minor street under the Lot Width provisions, a public, multipurpose path is required to improve connectivity through the site. This provides the Township more flexibility to deal with unique site conditions. The change in grades and location of existing buildings in this district make it difficult to add new streets every 600 feet. (Category C: Improve Flexibility)
- Section 5* Removes the ability for any development including single-use residential buildings to receive FAR density increases. Currently, any development in the City Avenue District may seek to use the FAR density increases. (Category B: Limit Multifamily Development)

The density increase for residential single-use or mixed-use buildings where the primary use is residential has been removed. The base FAR increase from 0.6 to 0.7 for mixed-use buildings remains in place. (Category B: Limit Multifamily Development)

The density increase for underground and/or wrapped parking structures have been modified to provide the same level of incentive for either type of structure. Both density increases are still prorated based on the percentage of the required parking provided in the underground and/or wrapped parking structure. (Category C: Improve Flexibility)

The density increase for transit facilities has been increased and now includes a menu of options. A density increase of 0.05 is provided for each of the following amenities, up to a total FAR increase of

0.15: (1) Construction of a bus shelter; (2) Installation of bus pull-offs along bus routes; and (3) Cycle Share. (Category C: Improve Flexibility)

This section also removes the cumulative incentive currently given for the Off-Site Traffic Improvement (OSTI), which could allow for up to a 0.77 FAR increase. A density increase of 0.2 is still allowed for providing the OSTI, which is the highest incentive available. The calculation for providing a fee-in-lieu of an OSTI has been increased from \$1.65 per square foot generated by the total additional floor area to \$20 per square foot. The original draft of the code did not achieve the intended result in terms of benefit to the Township. To address that, the amended language adjusts the amount of the OSTI fee by applying the District's current, median market value of the added square feet to the calculation of the fee. The market value is in turn derived by applying the County's current Common Level Ratio to the current assessed value of properties in the District. (Category A: Clean Up)

Section 6 Removes unannotated notes from the parking table. It is a simple housekeeping item and does not impact the zoning standards. (Category A: Clean Up)

V. **Impact on Township Finances:**

This ordinance will have no immediate impact on Township finances.

VI. **Staff Recommendation**

Staff recommends the Board of Commissioners authorize the advertisement and the scheduling of a public hearing to consider the ordinance to amend the Zoning Code to revise the City Avenue District – Regional Center Area (RCA).