

TOWNSHIP OF LOWER MERION

Building & Planning Committee

Issue Briefing

Topic: Zoning Revisions

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Date: May 17, 2019

I. Action To Be Considered By The Board:

The Board will review revisions to the draft Zoning Code. No formal action is required by the Board at this time, but any direction provided will be incorporated into the Zoning 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) to implement the goals and recommendations of the 2016 Comprehensive Plan.

IV. Other Relevant Background Information:

The Township received a Preliminary Draft Zoning Code from DPZ Associates in October 2018. Since the October delivery, the B&P has held 5 public workshops to review the details and policy implications of the Draft Code. Additionally, staff has engaged in an extensive public outreach process to solicit comments, questions and suggestions regarding the Draft provisions. The 6-month public engagement process included meetings with Ward Commissioners, Civic Associations, stakeholders and property owners and generated over 500 suggested substantive questions/edits to the document.

Wednesday's workshop is the first of 3 scheduled meetings by the Building and Planning since Commissioner Bernheim announced the revised schedule for adoption of the zoning code update in September. The revised schedule will include the authorization to advertise for adoption on July 31. The three public meetings scheduled prior to the advertisement are scheduled for May 22, June 5 and July 31. Two public review meetings have also been scheduled with the Planning Commission on June 3rd and June 24th, if needed. A Public Hearing for adoption of the Updated Zoning Code has been scheduled for Wednesday September 18th.

Wednesday's meeting will focus on revisions to Articles III, IV, V, and XI. Revisions to these Articles have been provided to the Committee and posted to the Township's website. Revised pages are clearly

marked on each page as being revised on 'May 17th 2019'. Remaining Articles will be updated and provided to the Board, as well posted to the website, as they are completed. A chart indicating how public comments were addressed will also be posted to the website.

Articles III, IV, V, and XI are the key articles relating to Form (III), Bulk and Area Standards (IV), Uses (V) and Processes and Non-Conforming Uses (XI) that are commonly contained within a Zoning Code. These are also the Articles that have been the most significantly revised through the public process.

Throughout the public engagement process it has been noted that the Zoning Update does not comprehensively address issues relating to Housing Affordability, Sustainability, Neighborhood Conservation and Short-Term Rentals. Each of these topics are beyond the original scope of the Draft Code and each of these topics will require extensive analysis and public discussion. Housing Affordability and Sustainability are significant topics which will require actions above and beyond changes to the Zoning Code.

In anticipation of Wednesday's Workshop staff would like to highlight the following key revisions and to highlight additional items for policy direction:

ARTICLE III. GENERAL TO ALL (Form Standards)

Key Revisions

- The height regulations establish minimum and maximum roof slope regulations for two and three story residential dwellings.
- The method for measuring mean grade has been amended.
- A requirement has been added to determine whether the building height is measured from the existing grade or the proposed grade to address concerns that have been raised by Commissioners in the past when the grade is raised resulting in a much taller building than the adjacent homes in the neighborhood.
- Table 3.5.1- Cottage Court has been removed as a Frontage Yard Type
- 155-3.7.7 – Ball Netting -specific standards have been added to regulate placement and visual screening.
- 155-3.12 – Sporting and Physical Recreation Areas – clarification of the location/conversion of artificial turf fields
- 155-3.12 – Zoning Relief has been refined and some sections were removed.

Outstanding Items

- 3.4.10- Predominate Setback – Staff is refining standards to clarify how predominate setback is measured to ensure consistency with existing neighborhood patterns.
- 3.4.11 - Neighborhood Conservation Districts – This is a placeholder until specific standards and locations of Neighborhood Conservation Districts are established.

Policy Discussion

- Architectural Standards – The Draft includes language requiring that architectural standards apply to changes to the exterior of all existing buildings visible from the public way (155.3.9.2.b) and restricting vinyl siding as a permitted material (155.3.9.3). Staff notes that deviation from these provisions is available through Conditional Use Approval. The B&P should provide direction regarding the potential implications of restricting vinyl

siding. A possible alternative is to prohibit vinyl siding in some residential districts and permitting this siding material in MDR Districts.

ARTICLE IV. DISTRICT SPECIFIC STANDARDS (Bulk and Area Standards)

Key Revisions

- This section has been significantly reworked to better coordinate revisions to Articles III and V. Revisions include expansion of tables to provide clarity when more than one building type is permitted within districts.
- 155-4.1.6 – This change is repeated in each District and removes reference to permeable paving encouragement and an exemption that 50% of pervious paving used for parking not count towards impervious surface requirements.
- Table 4.1.2 LDR 3 Dimensional Standards – Maximum permitted impervious surface has been increased from 25% to 30% to reflect existing conditions.
- Tables 4.2.2 and 4.2.3- Dimensional Standards for MDR2 and MDR3- Maximum impervious surface limitations for Rowhouses and Multi-family developments have been reduced to 60%.
- Tables for MDR – Dimensional Standards – Tables have been expanded to clarify specific standards for each permitted housing type. Quads are now not permitted in MDR1.
- Table 4.2.3 MDR 3- Dimensional Standards – a buffer requirement has been added between future MDR 3 uses and all other LDR and MDR uses.
- Table 4.3.1 VC Dimensional Standards
 - The rear and side yard setbacks in VC are required to match adjacent LDR MDR1 and MDR2 setbacks.
 - A 20' buffer is required between VC use and LDR, MDR1, and MDR2
 - A minimum height of 2 stories has been required for Principal of buildings to discourage traditional strip commercial uses.
- Table 4.3.2 and Table 4.3.3 TC 1 and TC 2 Dimensional Standards
 - Front yard setback has been increased to enhance pedestrian realm.
 - Setbacks have been adjusted to match adjacent less restrictive districts.
 - Buffers are required similar to VC.
 - Buildings adjacent to LDR, MDR 1 and MDR 2 must be stepped back 15' in the front and rear over 3 stories or 40'.
 - A minimum height of 2 stories has been required for Principal of buildings to discourage traditional strip commercial uses.
 - The primary frontage for TC-2 has been increased to 70%.
- Institutional Districts
 - The Campus Plan requirement has been relocated to the Subdivision Code and does not require conditional use approval.
 - Setback penalties for height above 3 stories are exempted along Primary Roads.
 - Public Schools:
 - Table 4.4.3.A. – Institutional Education - Public Schools. Public Schools are permitted in all districts, however Public School are subject to specific provisions in the district where they are located:
 - In VC and TC Districts Public Schools are subject standards of the district in which they are developing.

- In LDR, MDR, IC, IE and IH and Public Schools are subject to a new Table 4.4.3A with bulk and area requirements specific to public schools. Public Schools are not subject to Campus Plan provisions. Requirement impervious surface is established at 10% higher than the most restrictive abutting residential district or 5% higher than the most restrictive abutting residential district when a Public School property is already non-conforming to the impervious limits.
 - In the IN District Public Schools are Regulated and subject to a 150' perimeter setback and a 75' landscaped buffer to maintain the open space character that currently exists in the IN District.
- Light Industrial District LI – This section has been extensively reworked to align the LI District with the Form and Bulk/Area requirements of other commercial districts, enhance river access and promote connections to the regional trail network. Residential development in the District has been disincentivized from current provisions.

Policy Discussion

- The new Institutional provisions provide modest increases in impervious surface to allow logical modernization of institutional uses. The calculations are based upon the adjacency of the institution to the most restrictive residential district and the campus plan process. The Board should discuss the potential of capping the maximum amount of impervious surface to ensure that future modernizations are compatible with the surrounding residential context.

ARTICLE V. USES

Key Revisions

- This Section has been calibrated to reflected changes in Articles III and IV. Permitted Uses have been clarified based on public comment. Procedural items have moved to Article XI.
- References to 'Use Restrictions' have been changed to 'Use Regulations'.
- Institutional Accessory Uses have been added as a Regulated Use
- Public Schools have been added as Regulated Use in the IN District

Outstanding Items

- Special Districts – Uses in Special Districts will be confirmed with edits to Article VII Special Districts.

Policy Discussion

- Institutional Accessory Uses have been added as Regulated Use to address concerns over third party commercial uses of Institutional campuses. The provisions regulate the accessory use of Institutional playing fields according to the Township's Parks and Recreation Playing Field Criteria, which favors use by Township residents. The B&P should discuss the opportunity for Township residents to utilize Institutional playing Fields for local recreational activities.

ARTICLE VI. PROCESS (including Non-Conforming Uses)

Key Revisions

- Provisions have been added to permit non-conforming residential uses destroyed by accidental cause to be rebuilt to the same footprint, area and volume that existed prior to the building being destroyed.
- Provisions have been added to require non-conforming fences to be replaced to conform to the new fencing standards. This provision also applies when more than 25% of a non-conforming fence is being replaced.
- The ability to expand a N/C use in this draft is permitted as a matter of right if an applicant can comply with the expansion standards. The ability to expand in the current code is only permitted by special exception. Does the Board have a preference whether this expansion right should be permitted by right or by special exception?

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 revised articles of the draft code and the topics in this Issues Briefing.