

**TOWNSHIP OF LOWER MERION**

***Building & Planning Committee***

**Issue Briefing**

**Topic:** Zoning Policy Direction

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

**Date:** July 12, 2019

**I. Action to Be Considered by The Board:**

The Board will discuss the Draft Zoning Code. No formal action is required by the Board at this time. However, staff seeks policy direction on the topics listed below.

**II. Why This Issue Requires Board Consideration:**

The Board of Commissioners must adopt amendments to the Zoning Code in compliance with the Pennsylvania Municipalities 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:**

Throughout the review of the draft Zoning Code staff has presented the Board with code sections in which policy direction was needed based on internal recommendations, public input, or previous concerns expressed by Board members. Staff has received direction from the Board on several of the identified 'Policy Questions' but a number of questions have required additional information and/or further discussion. Additionally, staff is bringing forward recommendations which advance and integrate the Township goals of housing affordability, open space preservation, economic revitalization and neighborhood preservation.

**A. Vinyl Siding:**

The Draft Architectural Standards (155-3.9) provided by the consultant exclude vinyl siding as a permitted exterior material on all existing buildings and structures visible from the public way.

The potential impact of the prohibition of vinyl siding upon affordable neighborhoods is significant. Staff recommends permitting vinyl as a permitted material in single-family residential zoning districts (LDR & MDR1) and is seeking direction from the B&P regarding prohibiting vinyl siding as a permitted exterior material on all existing buildings and structures visible from the public way in non-single-family districts (institutional, commercial and multi-family).

Staff also recommends that the Board direct staff to work with the Township’s Historic Preservation consultant to prepare a one-sheet guideline on how to appropriately install vinyl siding to maintain and preserve neighborhood character.

**B. Maximum Building Height in Ardmore (TC1)**

The Draft Code permits buildings in the TC-1 District to be a maximum of five stories. Based on input from public meetings regarding the impact of additional height and affordability staff recommends that the B&P consider limiting the height of buildings in TC1 to three stories but allow a maximum height of five stories subject to providing affordable housing units or funds for affordable housing as shown below:

- 4.3.3.d. The height of a mixed-use building in TC1 may be increased up to five stories provided the development complies with 4.3.3.d.i and either 4.3.3.d.ii. or 4.3.3.d.iii.
- 4.3.3.d.i. If a building is a Class I Historic Resource or Contributing Resource in a Historic District, it shall be preserved and any modifications shall be subject to a recommendation by HARB and approval by the Board of Commissioners, in compliance with the Secretary of the Interior’s Standards for Rehabilitation.
- 4.3.3.d.ii. A mixed-use development that provides either five dwelling units or 20% of the total number of dwelling units (whichever is greater) of moderate-income housing units as described in Section 10.13 Moderate Income Housing.
- 4.3.3.d.iii. The developer shall contribute a sum of money equal to 5% of the construction costs of the building. This fund shall be controlled by the Township and be dedicated to use for moderate-income housing units as described in Section 10.13 Moderate Income Housing. The method of payment of this contribution shall be established during the land development approval process.

**C. Accessory Uses (Institutional District)**

In an effort to further mitigate negative externalities potentially associated with institutional accessory uses, staff recommends further refining these uses as noted below:

<p><u>Cultural &amp; Recreational Institutional Accessory Use</u></p>	<p>R</p>	<p><u>Permitted subject to the following regulations:</u></p> <ul style="list-style-type: none"> <li>• <u>Secondary and subordinate to the primary use.</u></li> <li>• <u>Does not alter the character of the property as established by the principal use.</u></li> <li>• <u>If a site contains on-site parking facilities, parking and vehicle loading shall be provided on-site.</u></li> <li>• <u>Outdoor recreational hours are limited between 8:00 a.m. and 8:00 p.m.</u></li> <li>• <u>If fields use is proposed, the following shall be demonstrated:</u> <ul style="list-style-type: none"> <li>• <u>The use is in accordance with Township of Lower Merion Department of Parks and Recreation Athletic Field Permit Criteria.</u></li> <li>• <u>Loudspeakers, live music and sound enhancement device are prohibited.</u></li> </ul> </li> <li>• <u>Institutions shall designate a staff member responsible for oversight of cultural and recreational institutional accessory uses.</u></li> </ul>
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Staff will present recommendations to further refine these standards to address neighborhood scaled institutions.

#### D. Impervious Surface Expansion – Residential

The draft Zoning Code incorporates the existing impervious surface standards found in 155-141.5.C of the current Code. Some Commissioners expressed concern that the standards are too permissive and suggested reducing the allowable impervious surface. Staff notes that this provision has been in place since 2002 and has allowed for the modernization of existing dwellings that are nonconforming to impervious while providing the benefit of increased stormwater management based on the 100-year storm. This has provided the rare ability to obtain stormwater management on properties developed without any stormwater controls. To staff’s knowledge this provision has not created any significant negative impacts in the community.

The language has been revised to require that the stormwater management to be installed be designed for the entire amount of impervious surface that exceeds the permitted maximum in the zoning district. Revised language can be found below:

- 3.13.2.c. The impervious surface on any lot in an LDR or MDR1 district used exclusively as a dwelling may exceed the maximum permitted in the underlying zoning district by an additional 5% of the lot area or 1,500 square feet, whichever is less, provided all of the following requirements are met:
  - 3.13.2.c.i. The additional 5% impervious surface shall not be permitted on any lot where a new principal building has been constructed within the prior 10 years, or where, during that same period, an addition has been added to the principal building following the removal of more than 75% of its building area.
  - 3.13.2.c.ii. 100% of the direct volume of stormwater runoff from all impervious surface exceeding what is permitted in the underlying zoning district shall be the additional impervious surface is recharged for a 100-year storm event.

#### E. Impervious Surface Standards – Institutional District

The draft Zoning Code permits allowable impervious surface for public and private schools to match that of the most restrictive abutting zoning district plus 10%. An impervious surface cap was set at 55% for public and private schools. Where a property is nonconforming to the impervious surface provisions it will not be allowed to increase the impervious surface beyond the cap.

The Board directed staff to establish a cap on impervious surface for public schools at 47%. Staff recommends also equally applying the 47% cap to private schools.

Staff notes that section 4.4.5.ii relating to institutional uses exempts sidewalks and pedestrian pathways under six (6’) feet in width dedicated to public use and a maximum of 5% of hard surfaces not used for vehicular parking/driveways/circulation employing a porous material from impervious surface calculations. Staff is looking for direction if these exemptions should be included in the maximum impervious cap.

#### F. HROD Continuing Care Facilities

The draft Zoning Code includes the conversion of a historic building to a smaller CCF on a minimum 5-acre lot. Based upon feedback at the Planning Commission staff recommends removing the smaller CCF/HROD provisions from the Draft and considering these provisions as

part of a larger discussion of affordable and senior housing at a later date. Staff recommends incorporating the Personal Care Facility/HROD provisions from the existing code as a placeholder.

C Personal Care Facility (Skilled Nursing Facility), which includes the following regulations:

- Class I Historic Resource;
- A parcel having a gross lot area of at least three-acres;
- Obtains access from a primary or secondary street, and which is not located in a local historic district;
- A lot area of not less than 1,200 square feet shall be provided for each bed,
- Excluding buildings and structures which do not contribute to the historic resource;
- Shall not be located within 500 feet of another skilled nursing facility; and
- Subject to the dimensional standards of the underlying zoning district.

### **G. Palace Missions**

Staff, upon request by the property owner, recommends that Palace Missions in Gladwyne be designated as IN Nature Preserve, rather than as the currently proposed LDR-1 single family residential designation.

### **H. Miscellaneous Revisions**

The Board requested that the font of the text be made larger. Staff notes that modifying the font alters the layout of all of the tables in the draft which requires significant reformatting to the entire document. Staff intends to fulfill this request once all revisions have been made and the draft has been authorized.

### **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 topics included in this Issue Briefing.