

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
ZONING WORKSHOP MEETING  
OCTOBER 13, 2016

The Board of Supervisors of Upper Merion Township met for a Zoning Workshop meeting on Thursday, October 13, 2016 in the Township Building. The meeting was called to order at 6 p.m., followed by a pledge of allegiance.

ROLL CALL:

Supervisors present were: Greg Philips, Greg Waks, Bill Jenaway and Carole Kenney. Also present were: Dave Kraynik, Township Manager; Sally Slook, Assistant Township Manager; Joe McGrory, Township Solicitor; Rob Loeper, Township Planner; Kyle Brown, Associate Planner. Supervisor Spott was absent.

DISCUSSIONS:

RECREATION PARK & OPEN SPACE DISTRICT

Mr. Rob Loeper, Township Planner, stated the Recreation, Park and Open Space District is a new district replacing the Agricultural and current Recreation and Open Space District. Mr. Loeper pointed out the areas in green on the map that are recommended for inclusion in the new district. The district has a straightforward intent. It was noted under the table of uses there are a few agricultural uses listed because of Municipalities Planning Code (MPC) requirements. Included as a permitted use are farm stands sales and farmers markets. Mr. Loeper questioned if that should be conditional use. It was noted nursery and garden center are listed as conditional use. He pointed out recreation uses include publicly owned or non-profit community recreational facilities open to the public and privately owned recreational facilities. These uses are listed as permitted for the time being.

Mr. Philips asked if there are any parcels in the township actively being farmed. Mr. Loeper responded he was not aware of actual farming, but there is an area in King Manor that might be considered as such. Mr. Loeper reiterated he is positive the MPC requires some provision for agricultural uses even though people are not actually using it.

Mr. Loeper indicated there are a variety of community facilities including municipal, county, state or federal buildings including administrative buildings, police, fire and other emergency services, historic sites, libraries and recreation facilities.

With regard to facilities for religious worship, it was noted there is one in the middle of Valley Forge National Historical Park and it should not be anything creating an issue.

Historic monuments and buildings, which may be open to the public are appropriately included in the new district.

With regard to utilities and transportation services such things as utilities and community facilities, including transmission lines, sewage disposal and water treatment plants and appurtenant facilities, watershed protection works, reservoirs, and pipelines are listed as a conditional use.

Railroads are listed as a permitted use because the decision was made several months ago to include all of the Norfolk Southern property along the river.

Reference is made to wireless telecommunications in view of the recently approved ordinance.

Permitted commercial activity includes historic monuments and buildings which may be open to the public and such things as charging of admission, sale of memberships, sale of refreshments and commemorative items.

The Cluster Development Overlay needs to be addressed as to whether it should continue to be listed as a conditional use. This was previously in the old RA recreational district which included the Gulph Mills Country Club. A discussion followed regarding this property. Mr. McGrory said it should remain as is in order to have some control.

With regard to publicly owned or non-profit community facilities versus privately owned, Mr. Loeper asked if there are any other changes that need to be made. Mr. McGrory responded the only difference that could be made is municipal versus recreational whether it is public or private. Mr. Loeper commented permit municipal but anything else would be conditional use. Mr. McGrory pointed out a conditional use is a by right use, but at least it provides the opportunity to have a hearing and get some input from people and try to negotiate something to soften the blow of something that is more intense than anticipated.

Mr. Jenaway asked if all of the identified parks are taken from the Park and Recreation master plan. Mr. Loeper responded they would go back and double check.

With regard to dimensional requirements, Mr. Loeper noted the main issue is the low building coverage. Mr. McGrory asked why the building and impervious is so low. Mr. Loeper responded that was taken out of what was in the AG and RA District. Mr. McGrory said many of the uses, in particular

recreation and even the municipal, county, state and federal buildings are going to exceed the building coverage, especially impervious. Mr. Loeper responded if they are on a smaller lot those dimensions could be bumped up.

A discussion followed after which it was determined to eliminate the minimum tract size but have a minimum tract size for certain types of uses. Mr. Loeper provided the example a country club would have to be on a larger parcel than a tennis or swim club, but it might be desirable to have a minimum size for a swim club.

In response to a question raised by Mr. Jenaway, Mr. McGrory asked the supervisors to give some thought to a provision in the zoning ordinance that exempts the municipality from complying with zoning. He said many municipalities do that and it is not unusual to see that provision in an ordinance. A discussion followed regarding the pros and cons of such a provision.

### MULTI-FAMILY RESIDENTIAL DISTRICTS

Mr. Loeper referred to previous discussions about not touching these since all of the parcels are already developed.

Mr. Loeper provided background on the old High Rise district which encompassed High Rise 1 and High Rise 2. One district allowed hotels and the other did not. It was noted the current Double Tree Hotel is a non-conforming use which is in a High Rise district which does not permit a hotel.

Mr. Loeper referred to page 3 regarding some of the development standards. He questioned the requirements regarding the angles of the building and said his thought was it is not known what will happen with any of the parcels and whether anyone would come in and redevelop. Mr. Loeper did not see the benefit of creating a whole new ordinance because something may or may not happen since it is not known what the product should be and he did not believe anyone would come in and comply with this since they would want to do something different.

Mr. Philips stated his view on zoning is that the reason the zoning code is being revamped is to provide direction for the township in the future.

Mr. Loeper stated staff will look at a whole new section for this.

### SINGLE FAMILY ATTACHED RESIDENTIAL DISTRICTS

Mr. Loeper stated the supervisors are familiar with the quirks in the R-3 District which includes the Swedeland and Swedesburg areas. He said in looking at the R-3A and R-3B there is one R-3B District which is Deer Creek. That district was created with a provision if it abutted a single family district they

either had to put in a section of single family homes or put in an extra wide buffer. That is the way that district was created. Mr. Loeper stated there is not much activity except for the R-3 where most are coming in as single family which is permitted. Mr. Loeper said he was not sure how much time should be spent rewriting these codes unless there is a way to figure out a way to combine some of these districts or create one district and come up with some completely different standards. An example of an R-2A would be Glen Arbor.

Mrs. Kenney asked for clarification about which districts are being suggested for combination. Mr. Loeper responded one he would suggest for rezoning is the R-3B to a combination of R-2 and R-3 since the townhouse portion fits into the R-3 and the single family fits in closely to the R-2.

Mr. Loeper asked how Mr. McGrory felt about creating non-conformities and if it would be creating issues down the road. Mr. McGrory responded if there is a non-conforming use on a parcel there is a right to a natural expansion of their non-conforming use. In most ordinances 25% expansion is permitted. He noted Pennsylvania law discourages non-conforming properties that are created by government. Mr. McGrory said when drafting a zoning ordinance it is best to try and avoid creating non-conforming parcels as much as possible.

Mrs. Kenney asked what happens if a non-conforming parcel is torn down and something completely new is built. Mr. McGrory responded they would lose the non-conforming use and would be subject to the new zoning. He said to keep in mind there is a difference between non-conforming use and non-conforming dimensions. They would still have the right to build something on an undersized lot.

Mr. Loeper stated most of these [R-3B] would probably be non-conforming dimensional not use. He said in this particular group the residential use would probably remain a permitted use and the issue would just involve the dimensional requirements.

Mr. Loeper stated staff could take a closer look at the R-2A and R-3B and do a better analysis of what the differences are in the various properties. He said staff will look into some software upgrades for the GIS to assist in the analysis.

Mr. Waks stated he wants to do a walk-through some of the various neighborhoods with the definitions in hand and see firsthand what impact the definitions might have.

Mr. McGrory pointed out there is nothing in the township's ordinance requiring a secondary access if there is a second use on non-residential parcels. He suggested giving some thought to something that is fair and still require some kind of secondary access, possibly linking the secondary access to average daily trips so that "X" daily trips require a secondary access.

## MAP CHANGES

Mr. Kyle Brown and Rob Loeper reviewed the maps changes and responded to questions from the supervisors.

Mr. McGrory suggested cleaning up some of the “spots” on the map.

Mr. Waks asked for a one-page comparison of what the Office Industrial would entail as opposed to SM and SM-1.

A discussion followed regarding various issues associated with split-zoning.

## ADJOURNMENT:

Without further comment from the Board and public, it was moved by Mr. Philips, seconded by Mr. Waks, all voting “Aye” to adjourn the meeting. None opposed. Motion approved 4-0. Adjournment occurred at 6:58 p.m.

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DAVID G. KRAYNIK  
SECRETARY-TREASURER/  
TOWNSHIP MANAGER

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Minutes Approved:

Minutes Entered: