

PLANNING COMMISSION

November 16, 2017

Page 2

not match the character of Ruthland Avenue. Amy Finkbiner stated a waiver may be necessary to remove the turnarounds in order to have the homes closer to the street to match the character of the neighborhood. Based on the current zoning and SALDO regulations, there is nothing that precludes garages to be forward of the front doors.

Dan Daley stated for the original plan submission included turnarounds, which would make the front yard setbacks a minimum of ten (10) feet back from the street. The homes on Ruthland Avenue are close to the road with little or no front yards. Carroll Sinquett stated by instructing the applicant to push the homes back to include turnarounds it would increase impervious coverage due to the longer and wider driveways.

A motion was made by Carroll Sinquett, seconded by Amy Finkbiner, and carried by a vote of 4-1, Dave Knies voted against being opposed to waiving the turnarounds, to recommend approval of the Preliminary/Final plan for Richard & Walter Haly, III at 51 Ruthland Avenue, as prepared by JMR Consulting Engineers, LLC., dated June 30, 2017, and last revised October 20, 2017. The Planning Commission's recommendation is centered on the Borough Engineer's review letter dated November 10, 2017, specifically citing four (4) waivers to be granted: 1) Section 300.B.2.& C & 301 – A waiver to allow the plans to be submitted as preliminary/final; 2) Section 301.E. – A waiver for relief of the requirement to submit maps indicating the findings of each step of the Four-Step Design Process; 3) Section 503 – A waiver for relief of the requirement to widen Ruthland Avenue from required 50 ft. down to 45 ft.; and 4) Section 513.K.5 – A waiver from installing turnaround areas outside of the road right-of-way.

b) OPEN ZONING HEARING APPLICATIONS

No new applications were submitted to Borough Administration since the October 19th Meeting of the Planning Commission. The November 27th Zoning Hearing has been canceled due to no new applications being received by October 31st.

c) BY-LAWS/ REVIEW PROCEDURES

No new business/updates.

d) BOROUGH COUNCIL UPDATE

Carroll Sinquett stated at the November 7, 2017 meeting of Borough Council discussion included: 1) Proposed 2018 Draft Budget, with focus on civic organizations' requests; 2) Status update of the MS4 Stormwater Management Plan for the Borough; 3) 190 Pennsylvania Avenue request for 120-Day Extension; 4) New contract for borough electrical service; and 5) Proposed zoning ordinance amendment to add/remove species from approved shade trees listing.

e) ZONING HEARING BOARD – DETERMINATIONS

No determinations rendered by the Zoning Hearing Board since the October 19th Meeting of the Planning Commission.

5. NEW BUSINESS:

a) BULK ORDINANCES - DISCUSSION

Ari Christakis presented a recommendation for aligning and simplifying the Zoning Ordinance and Subdivision & Land Development Ordinance that the Planning Commission and the Borough Council may wish to consider in regards to lot area, lot coverage, and building coverage. The recommendation, in summary, is as follows: 1) Retain the current netting language for the calculation of minimum lot size; and 2) Amend the calculation of Lot Coverage and Building Coverage to be based on one, consistent basis by netting out only recorded or proposed, public, surface rights-of-way.

Ari Christakis stated potential benefits gained may include: 1) Minimizes the creation of new non-conformities; 2) Retains the important considerations of minimum lot area for the purposes of subdivision; 3) Does not increase the bulk of buildings from the current ordinance approach; 4) Intuitively aligns the calculation of the area and bulk metrics to the same basis; and 5) Limits the need for discretion or evaluation of various rights-of-way or other property interests as a Borough Administration responsibility.

Ari Christakis summarized the proposed amendments to the Zoning Ordinance, Section 202 – Calculation of Building Coverage and Lot Coverage, specifically calculation exclusions: 1) Any existing or proposed public streets or public street rights-of-way and railroad rights-of-way; and 2) Any easement, right-of-way, or other interest or encumbrance which satisfies certain criteria.

Planning Commission discussed whether allowing pervious driveways would allow property owners to circumvent maximum impervious coverage limits. Ari Christakis stated the Borough should not discourage property owners from implementing new construction technologies, which have been accepted by the industry. Dan Daley stated that pervious driveways will aid the Borough with meeting its PA Department of Environmental Protection's MS4 Stormwater Management objectives. Planning Commission requested when Ari Christakis drafts the ordinance amendment, to incorporate a requirement for property owners who want to install pervious driveways must obtain Conditional Use Approval from Borough Council.

Dave Knies questioned if the number of definitions could be reduced and if the word "Area" could be replaced with "Size." Ari Christakis stated the proposed amendments will eliminate redundancy of definitions and will review the amendments to determine if the word changes may be made.

Dan Daley recommended the Planning Commission consider setting a percentage for zoning districts when setting maximum coverages.

Amy Finkbiner recommended a table be added to the proposed amendment summarizing what is included and excluded when performing calculations.

PLANNING COMMISSION

November 16, 2017

Page 4

Ari Christakis stated he will draft an ordinance amendment that will incorporate tonight's language changes to remove ambiguity in definitions and clarify how to apply the coverage calculations.

Attachment 1: PowerPoint titled, "*Zoning Ordinance Changes Regarding Lot Areas*" prepared by Lentz, Cantor & Massey, Ltd.

6. ADJOURNMENT:

All business having been discussed, a motion was made by Carroll Sinquett, seconded by Mark Niemiec, and carried by a vote of 5-0, to adjourn the meeting at 10:16 p.m.

Respectfully submitted,

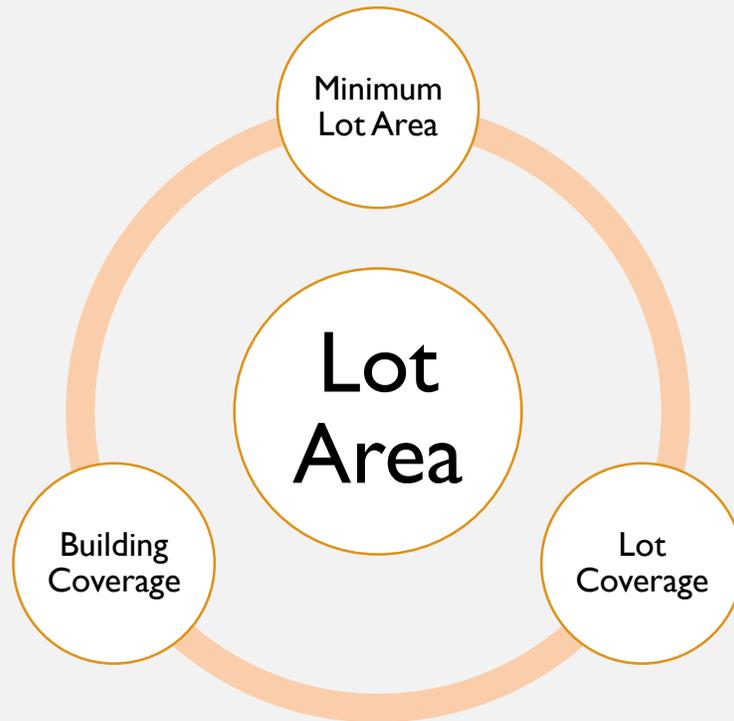
Neil Lovekin
Assistant Borough Manager/Secretary

ZONING ORDINANCE CHANGES RE: LOT AREA

Prepared For: Borough of Malvern Planning Commission

By: Lentz, Cantor & Massey, Ltd.

KEY DEFINITIONS



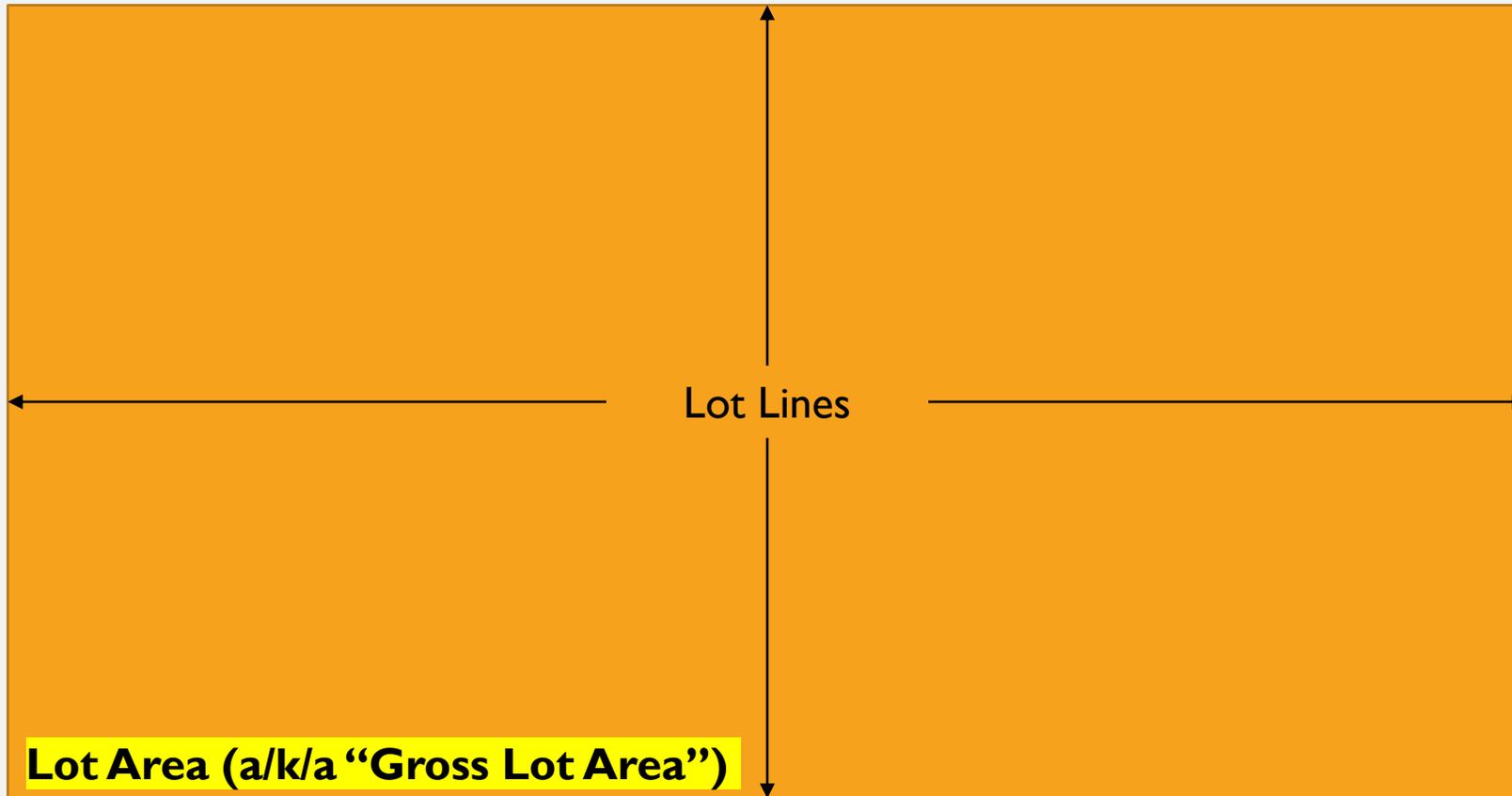
EXISTING LANGUAGE: LOT AREA & MINIMUM LOT AREA

Lot Area - The area contained within the property lines of a lot, as defined in the deed or as shown on an approved subdivision plan [...]

For purposes of calculating the **minimum lot area** (net lot area) necessary to comply with the area and bulk requirements of this chapter, the following areas shall be excluded from such calculations:

- A. All areas within the existing or proposed public or private streets, rights-of-way or easements, recorded or otherwise, including public sewer, water, public utility, storm drainage retention and/or detention;
- B. All areas occupied by courses and/or bodies of water, wetlands and floodplains;
- C. Fifty percent of any area of the lot which has wet or alluvial soils;
- D. Fifty percent of the area of the lot with slopes of 15% to 20% and changes in grade of four feet or more;
- E. Seventy-five percent of the area of the lot with slopes of more than 20% and changes in grade of four feet or more.

LOT AREA NETTING



LOT AREA NETTING

----- Public & Private Streets, Rights-of-Way, Easements -----

Water,
Wetlands,
Floodplains

Alluvial Soils
(50%)

Steep Slopes
(50% - 75%)

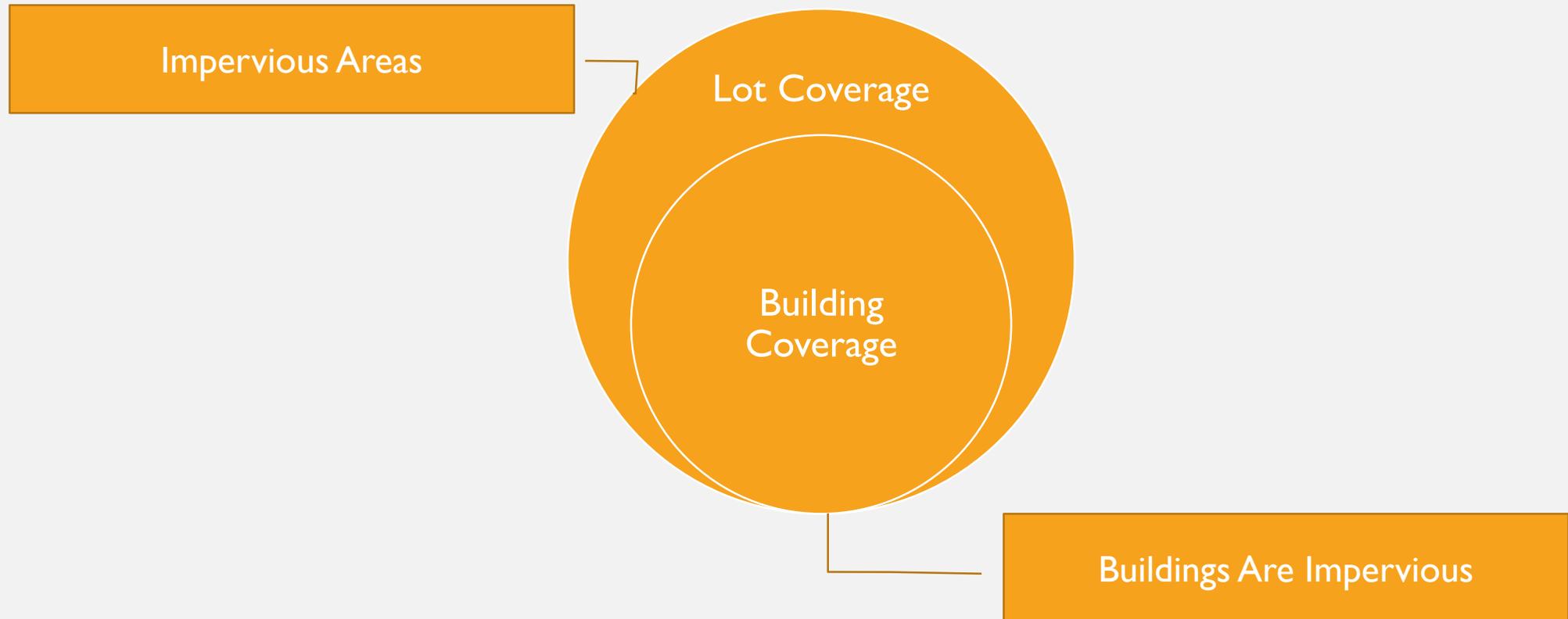
“Net Lot Area”

**AREA AND BULK
REGULATIONS**

**Lot
Coverage**

**Building
Coverage**

BUILDING COVERAGE IS PART OF LOT COVERAGE



LIMITS OF BUILDING COVERAGE AND LOT COVERAGE HAVE DIFFERENT BASES

BUILDING COVERAGE

Building Coverage - The ratio of the total building area of all buildings to the **total lot area**, expressed as a percentage.
[Emphasis Added]

LOT COVERAGE

Lot Coverage - The area of a lot which is covered by any and all impervious cover, except such impervious cover located within any area excluded from the definition of "lot area" as defined herein, and presented as a percentage of the lot area. [Amended by Ordinance No. 2016-6]

CONCERNS

Counter-Intuitive Difference in Building Coverage and Lot Coverage Calculations

Difficult for Citizens to Understand & Calculate Areas Without Professional Help

Uncertainty With Easements Where Terms are Dictated by Utility Co.'s

Creation of **Non-Conformities**

AREA AND BULK REGULATIONS (RESIDENTIAL DISTRICTS)

* For Single Family Uses	R-1	R-2	R-3a	R-3b	R-4	R-5	R-6	R-7
Minimum Lot Area (Square Feet, (Acres))	43,560 (1.0)	15,000 (0.34)	12,000 (0.28)	10,000 (0.23)	7,000 (0.16)	4,250 (0.10)	5,000 (0.11)	5,000 (0.11)
Building Coverage (% Gross Lot Area)	10%	20%	25%	25%	30%	35%	35%	30%
Maximum Lot Coverage (% Net Lot Area)	20%	30%	35%	35%	40%	45%	45%	45%
Projected Max. House Size (Square Feet, Floor Area)*	7,000	4,800	4,800	4,000	3,400	2,400	2,800	2,400
* Assumes: Minimum Lot Size, Maximum Footprint, 2 Stories, 80% GFA Efficiency								

PROPOSED CHANGES

Condition	Min. Lot Area	Max. Bldg. Coverage	Max. Lot Coverage
Public Rights-Of-Way ¹	Yes	Yes	Yes
Private Rights-Of-Way ¹	Yes	<i>Depends</i>	<i>Depends</i>
Utility Easements ²	Yes	No	No
Water / Wetlands / Floodplains	Yes	No	No
Alluvial Soils	50%	No	No
Steep Slopes	50% / 75%	No	No

¹ Recorded or Proposed Rights-of-Way Only,

² Only Utility Easements which do **not** serve the subject parcel.

BENEFITS

- **Decrease in Bulk.**
- **Simpler, More Intuitive Calculations for Homeowners.**
- **Eliminates Administrative & Enforcement Uncertainty.**
- **SWM Ordinance Mitigates Impervious Growth.**
- **Minimizes Non-Conformities.**

REVISED DEFINITIONS

- New, Separate Definition of “**Minimum Lot Area (or Net Lot Area)**”
- Redefine “**Building Coverage**” as:

The ratio of the total building area of all buildings to the lot area, as calculated in accordance with § 202 of this Article.

- Redefine “**Lot Coverage**” as:

The ratio of the area of a lot which is covered by any and all impervious cover to the lot area, as calculated in accordance with § 202 of this Article.

NEW SECTION 202

§ 202 – Calculation of Building Coverage and Lot Coverage

For the purposes of calculating Building Coverage and Lot Coverage under this Chapter, such calculations shall completely exclude any areas in:

- (1) Any existing or proposed public streets or public street rights-of-way and railroad rights-of-way; and
- (2) Any easement, right-of-way, or other interest or encumbrance which satisfies all of the following criteria:
 - (1) The easement or right-of-way runs with the land, is not personal to the grantee, and is not terminable upon the occurrence of any event beyond the control of the grantee; and
 - (2) The easement or right-of-way is described in a recorded instrument, a decision or order of the Courts, or otherwise a matter of public record; and
 - (3) The extents and dimensions of the lands encumbered by the easement are specifically described and are not conterminous with the encumbered parcel; and
 - (4) The easement or right-of-way is intended to either:
 - (1) permit ingress, egress, or regress by the grantee over the surface of land; or
 - (2) to provide for the conveyance of utility services by the grantee over the surface of the encumbered parcel, solely to the general public or parcels other than the encumbered parcel.