

**MAXIMUM RESIDENTIAL IMPERVIOUS SURFACE AMENDMENT
ZONING ORDINANCE SERVICE PACK 2C CLEAN-UP**

ATTACHMENTS

- 1. Community Development Department Memorandum**
- 2. Proposed Ordinance Amendment**

TO: PLANNING COMMISSION
FROM: GREGG R. ADAMS, PLANNER
SUBJECT: MAXIMUM RESIDENTIAL IMPERVIOUS SURFACE AMENDMENT
ZONING ORDINANCE SERVICE PACK 2C CLEAN-UP
DATE: JANUARY 13, 2023
COPIES: T. PETRUCCI, H. BENDER, D. MANHARDT, L. HARRIER, J. ZATOR, ESQ., J.
ALDERFER, ESQ. S. PIDCOCK

Background:

At their December 15, 2023 meeting, the Planning Commission recommended approval of all but one of the Zoning Ordinance Service Pack 2C amendments. The exception was the Maximum Residential Impervious Surface Amendment (Amendment C15). This amendment had been discussed over three Planning Commission meetings and it appeared that the Planning Commission had come to a consensus by the third meeting. Staff opines that the Planning Commission came to three conclusions with regard to the proposed amendment:

- That the section should be amended to require a maximum of 80% impervious coverage for lots between 0 and 5,000 square feet.
- That the proposed amendment shall not reduce the maximum impervious coverage for large lot owners.
- That staff should contact surrounding municipalities to learn how they are addressing the greater issue of MS4 where it relates to SALDO and Zoning impervious coverage requirements.

Staff amended the proposed amendment to incorporate the first two conclusions and contacted surrounding municipalities to address the third conclusion. In doing so it learned that three out of four responding municipalities are not coordinating Ordinances to address MS4 concerns. Lower Macungie Township is not currently addressing the issues holistically. Salisbury Township is not either, although they are fairly-well built out and have fewer opportunities for large land developments. Upper Macungie noted that they attempt to work with developers to reasonably size stormwater management facilities. North Whitehall has recently adopted a combined Stormwater/MS4 Ordinance which addresses MS4 concerns in a more holistic manner.

Staff presents the revised amendment C15. Staff wishes to point out that, larger stormwater issues aside, this amendment proposes to repair an identified flaw in the Ordinance. The proposed amendment is designed to be compatible with possible future amendments to SALDO and Stormwater Management Ordinances, if that path is chosen. If that path is not chosen, the proposed amendment stands well on its own and is consistent with what staff understood to be the Planning Commissions' conclusions from the December 15, 2022 meeting.

Respectfully submitted,

Gregg R. Adams, Planner
Community Development Department

15. Amend Section 350-44(c) to Correct the Impervious Lot

Coverage for a Residential Use: Staff noticed that the chart designating the Maximum Percentage of Lot Coverage permitted for Residential Uses creates conflicting situations around the points where the categories change. Staff’s original concept was that residential life demands a certain amount of impervious surface, regardless of the size of the house and accessory uses, but to maintain community standards of proportionality and discourage excessive impervious surface, once that “standard amount of impervious surface” is reached larger lots should be required to maintain more non-impervious surfaces. Therefore, smaller lots should be permitted more impervious surface (as a percentage of the lot area), while larger lots should be permitted less (as a percentage of the lot). Unfortunately, this rigid chart has led to some situations that are contradictory to the intent of the Section. For example, a residential lot of 5,000 square feet in area is currently permitted 5,000 square feet of impervious coverage, but a lot of 5,001 square feet in area is permitted 3,750.75 square feet of impervious surface. This discrepancy escalates at larger lot sizes – for example, a 5-acre lot is permitted 54,450 square feet of impervious surface but a 5.001-acre lot is permitted only 32,676.5 square feet of impervious surface.

Staff proposes to revise the table to “smooth” the amount of permitted impervious surface through the entire table, so that the permitted impervious surface continues to increase as the lot size increases. Staff also proposes to reduce the maximum impervious surface for the smallest lots to 80% from the current 100%, reasoning that almost all existing lots maintain some green space and that a minimum amount of green space be maintained on every residential lot to allow some infiltration of stormwater onsite. Staff also proposes that a Special Exception approval be required for property owners who wish to exceed the maximum impervious surface permitted. Special Exception review would allow a public forum for the approval of such uses and would allow the Zoning Hearing Board to attach reasonable conditions to projects that exceed the Maximum Impervious Surface requirements.

The existing Section 350-44(c):

(c) Impervious Lot Coverage for a Residential Use is as follows:

Lot Area	Maximum Percentage of Lot Coverage
Up to 5,000 sq. ft.	100%
>5,000 sq. ft. to 10,000 sq. ft.	75%
>10,000 sq. ft. to 25,000 sq. ft.	65%
> 25,000 sq. ft. to 43,560 sq. ft.	50%
> 43,560 sq. ft. to 5 acres	25%
> 5 acres	15%

At their December 15, 2022 meeting, the Planning Commission, while appreciating staff’s efforts to address the multiple issues outlined above, expressed concern that larger landowners would be unduly burdened by the limitations to the impervious surface proposed. Staff acknowledges that concern and proposes revising the table to more closely mirror the effects of the existing standards. The following table shows the proposed amendment to the table above with proposed maximum impervious surface (and percentage) for each category for comparison purposes.

<i>Lot Area</i>	<i>Maximum Lot Coverage</i>	<i>Impervious Coverage in Square Feet</i>	<i>Impervious Coverage as a Percentage of Lot</i>
<i>0 sq. ft. to 5,000 sq. ft.</i>	<i>80%</i>	<i>0 sq ft to 4,000 sq ft</i>	<i>80% to 80%</i>
<i>>5,000 sq. ft. to 10,000 sq. ft.</i>	<i>70% of the lot area between 5,000 sq ft and 10,000 sq ft. To determine the Maximum Impervious Lot Coverage: Subtract 5,000 sq ft from the area of the lot, multiply the remainder by 0.7, and then add 4,000 sq ft.</i>	<i>4,000 sq ft to 7,500 sq ft</i>	<i>80% to 75%</i>
<i>>10,000 sq. ft. to 25,000 sq. ft.</i>	<i>60% of the lot area between 10,000 sq ft and 25,000 sq ft. To determine the Maximum Impervious Lot Coverage: Subtract 10,000 sq ft from the area of the lot, multiply the remainder by 0.6, and then add 7,500 sq ft.</i>	<i>7,500 sq ft to 16,500 sq ft</i>	<i>75% to 66%</i>
<i>> 25,000 sq. ft. to 43,560 sq. ft.</i>	<i>30% of the lot area between 25,000 sq ft and 50,000 sq ft. To determine the Maximum Impervious Lot Coverage: Subtract 25,000 sq ft from the area of the lot, multiply the remainder by 0.3, and then add 16,500 sq ft.</i>	<i>16,500 sq ft to 22,068 sq ft</i>	<i>66% to 51%</i>
<i>> 43,560 sq. ft. to 5 Acres</i>	<i>20% of the lot area between 43,560 sq ft and 5 acres (217,800 sq ft). To determine the Maximum Impervious Lot Coverage: Subtract 43,560 sq ft from the area of the lot, multiply the remainder by 0.2, and then add 22,068 sq ft.</i>	<i>22,068 sq ft to 56,916 sq ft</i>	<i>51% to 26%</i>
<i>> 5 Acres</i>	<i>15% of the lot area over 5 acres (217,800 sq ft). To determine the Maximum Impervious Lot Coverage: Subtract 217,800 sq ft from the area of the lot, multiply the remainder by 0.15, and then add 56,916 sq ft.</i>	<i>56,916 sq ft and up</i>	<i>26% and down</i>

→ Staff also recommends that Section 350-44(c) be amended by adding subsection (1) as follows:

(1) Lots containing a Residential Use that exceed the Maximum Lot Coverage requirements above shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-16(i):

(A) That the applicant provides evidence that adjoining properties are adequately protected from the impacts of the additional impervious surface and associated development including, but not limited to, light, noise, and stormwater runoff.

