



## Public Comment Responses

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**March 15<sup>th</sup>, 2022**

On February 3<sup>rd</sup>, Adam Tecza from FHI Studio made a presentation to the Media Borough Council regarding the Hybrid Form Based Code. The presentation included recommendations for zoning code updates. The public was instructed to submit questions and comments. All comments will be considered during the code development process. The following responses aggregate comments and provide responses to categories of questions.

### **Accessory Dwelling Units (ADUs)**

Several of the comments received spoke out in favor of permitting ADUs as a way of expanding access to more affordable housing, supporting multi-generational housing, and encouraging a more diverse group of people to live in the Borough.

### **Planning Commission**

There was a concern that the form-based code could diminish the role of the Media Planning Commission in the decision-making process. The role of the Planning Commission is established by the State and there is nothing about the update to the zoning ordinance that would diminish their role. The Planning Commission does not have the power to approve or deny an application. However, they may give recommendations to the municipal governing body for subdivision applications and variance requests. This will continue to be the case under any revised zoning.

### **Pre-Existing Non-Conforming**

There was a question about why pre-existing non-conforming lots are an issue. When a lot is non-conforming, it places barriers on property owners who wish to improve or expand their use. When such barriers are sufficiently high, property owners may choose to neglect the structure and/or demolish it in favor of new construction. In general, communities which are seeking to preserve and protect existing structures will legalize existing lots to encourage continued investment.

### **Fast-tracking**

There was concern that the new hybrid code would “fast-track” development in the Borough. Fast-tracking development has no official definition but is generally understood to be an administrative effort to speed up the review and approval of development applications. There is no proposal to change the administrative process for the review, approval, or denial of applications. It is also thought that fast-tracking would have fewer requirements that applicants need to meet, when, in fact, the hybrid form-based code will have more requirements that applicants will have to meet than the current zoning ordinance. Because of the nature of the application process in the Borough,

the proposed hybrid form-based code is not anticipated to speed up or slow down the application process.

### **Artistic Expression or Creativity**

There were concerns that a hybrid form-based approach to zoning would reduce property owner's ability to be creative when designing homes. This was also expressed as a concern that the zoning ordinance would result in a "Disney-fication" of the Borough.

As articulated in [this presentation from the](#) Media Borough Council Meeting on Thursday, February 3<sup>rd</sup>, participants have noted that the diversity of Media's housing stock is important, as are the core architectural elements that unite those styles. The hybrid form-based code will not dictate a specific design style (e.g., Victorian, modern, neo-classical) and has never proposed doing so. The form-based code will require several unifying elements to protect the Borough from development that would detract from a high-quality public realm. These requirements will not substantially reduce an applicant's artistic freedom.

### **Subdivision**

There was a question regarding whether it would be legal to prevent subdivision under certain circumstances if the lot size reform were adopted. There is no legal way to prevent subdivision if the proposed division meets the standards in the Subdivision and Land Development Ordinance. The Project Team understands that there is concern that narrower lot standards would lead to the creation of denser parcels that currently exist. The project team can only address this once specific standards have been proposed and will be incorporating the concern into the draft ordinances.

### **Open Space and Large Lot Zoning**

The question of subdivision was raised within the context of limiting development on privately-owned properties to preserve open space. As articulated at the Media Borough Council Meeting on Thursday, February 3<sup>rd</sup>, the Borough must weigh the costs of large-lot zoning against its benefits. In general, large-lot zoning will produce housing that is more expensive and less consistent with the character of surrounding properties. It will reduce the number of homes which can be built and can reduce the total amount of impervious coverage.

Large-lot zoning does not provide public access to private open space, nor does it provide any protection for on-site environmental conditions, including protection of trees or native plantings. Large-lot zoning may make a property less attractive for redevelopment but only in circumstances when large-lot properties are not economically viable. The Borough has several recent cases that illustrate such large-lot properties are economically viable.

### **Open Space**

There was a question about why the report does not address open space. Zoning is generally not an effective means for creating open space, especially in communities such as Media. [The Open Space & Zoning Informational Session \(November 15\)](#) address this topic in more detail. [The Steering Committee Meeting 3 \(December 13, 2021\)](#) open space recommendations that the Borough could explore in future planning and zoning work.

## **Parking and Impervious Surface**

There were concerns expressed that reducing lot sizes would worsen on-street parking conditions and increased impervious lot coverage. These concerns will be considered as part of the development of the code.

## **Affordable Housing**

There was a question about whether there were legal maximums for affordable set-aside programs. There are no specific maximums. Municipalities may face challenges to maximums which place an unreasonable burden on property owners.

## **ROA District**

There was a question about why the ROA District was not included in the analysis. The ROA was discussed on pages 11, 17 and 18 of the Technical Analysis Report. It should be noted that the Project Team was tasked with updating the Borough's residential zoning and the ROA is comprised almost entirely of commercial uses (97%). The Project Team has recommended that the Borough consider a more detailed planning and re-zoning process that would specifically address the complex conditions in the ROA and the HBO Districts.

## **Townhomes**

There was a question about why you would need to increase the impervious coverage for Townhomes. The problem with the current standards is that it makes many properties non-conforming. The problem with non-conforming properties is discussed above.