

ORDINANCE NO. 1161 of 2023
ORDINANCE OF THE BOROUGH OF MEDIA ADOPTING
NEW ZONING ORDINANCE

WHEREAS, the Borough Council of the Borough of Media desires to adopt a new comprehensive zoning ordinance that is designed to preserve and enhance the Borough's traditional and historic character.

WHEREAS, the Borough's Comprehensive Plan adopted in 2015 directed the Borough to move towards form-based zoning in residential districts.

WHEREAS, the Borough undertook a comprehensive analysis of existing land uses and zoning regulations and produced, with public review and comment, a Technical Analysis dated January 26th, 2022 that found that several areas of the current zoning ordinance are detrimental to the health, safety, and/or welfare of the community, including:

1. The current lot standards generally encourage lots that are larger than existing lots.
2. The "R" districts have lot standards that make a large number of properties non-conforming.
3. Despite the prevalence of single-family housing units in the R-1 and R-2, approximately 10% of lots are two- to four-unit structures. As a result, many residents may live in multi-family housing despite being in single-family predominant neighborhoods.
4. Given current market conditions and the existing zoning ordinance, relatively few lots are susceptible to change.
5. The R-1 through R-4 zones generally permit large homes relative to what currently exists. This is especially true for detached and semi-attached single-family as well as two-family homes. This is due to several factors including: (a) zoning does not place any restrictions on roof type. This allows for flat roof buildings to be constructed, which allows for the maximum build-out; (b) the lot standards permit a high building coverage ratio; (c) the minimum lot requirements are substantially larger than the existing lot sizes.
6. Current standards for more compact residential development have: (a) Setback standards that are not consistent with the existing character of the community; (b) different front yard setbacks than other permitted typologies, which encourage development that is not context-sensitive; (c) front yard setbacks that encourage front yard parking, something that participants have overwhelmingly felt detracts from the character of the community.
7. Standards for multi-family development allow for a very wide range of forms which creates a very low level of predictability which increases the chance that new development will detract from existing character.
8. In the "R" zones, the minimum impervious coverage standards encourage property owners to build front yard parking.
9. The definition of "Common Open Space" does not make it clear whether areas within setbacks can be counted towards the open space requirements. There are no standards for the quality of common open space.

WHEREAS, the Borough undertook an extensive community engagement process to identify the goals of the zoning amendments and to identify those qualities that contributed to, or detract from, the health, safety, and/or welfare of the community that included:

1. Stakeholder meetings with key community and civic organizations, landowners, and development interests in the community.
2. Presentations to the community, which were recorded and placed on the Borough's website, that informed participants about the fundamentals of zoning regulations, form-based zoning, open space and zoning, and affordable housing and zoning.

3. A “walk & talk” tour with residents during which time participants toured the Borough staff and its consultant’s staff to discuss issues and opportunities in residential neighborhoods.
4. A survey that allowed participants to identify key issues and opportunities in the current zoning ordinance as well as articulate their desires for what the zoning ordinance should address, among other topics.
5. A workshop that was publicly noticed and open to the public where participants were able to identify key characteristics that contributed to, or detracted from, the quality of the community.
6. Multiple presentations to Borough Council that were publicly noticed and open to the public. Presentations included summaries of the findings from the technical analysis, the public engagement process, and the proposed approach to hybrid form-based zoning in residential districts.
7. A presentation to a joint session of the Planning Commission and Borough Council, which was publicly noticed and open to the public, to present the first draft of the zoning ordinance revisions.
8. An “office hours” meeting whereby members of the public could schedule a time to meet with the Borough’s consultant to discuss the proposed zoning ordinance and recommend changes.

WHEREAS, the community engagement process found that the Borough should protect the health, safety, and welfare of the community by changing the zoning ordinance to, among other goals, promote the production of development that:

1. Matches and re-enforces the surrounding community context.
2. Is smaller and more affordable than that which is currently encouraged in the zoning ordinance.
3. Is pedestrian-oriented and contributes to the walkable character of the community.
4. Has trees, high-quality landscaping, and high-quality open spaces, where appropriate.
5. Is more diverse than the types of development permitted under the existing ordinances.
6. Has certain unifying architectural elements that stitch together the varied development typologies.
7. Is authentic and does not incorporate fake architectural components that are unusable by the building’s inhabitants.
8. Has high-quality social spaces that allow for community interaction.
9. Minimizes the externalities of parking to the greatest extent possible.

NOW THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Media as follows:

Section 1. Amendment to Chapter 311 of the Code of the Borough of Media.

Chapter 311 of the Code of the Borough of Media, entitled “Zoning” is hereby amended by deleting the existing text of such Chapter in its entirety and substituting in lieu thereof the text of the bound booklet entitled “Borough of Media Zoning Ordinance, 2023”, a copy of which is attached hereto as Exhibit “A” and incorporated herein, which amends the Zoning Ordinance of the Borough of Media, and a) dividing Media Borough, Delaware County, Pennsylvania into Districts with varying regulations; b) permitting, prohibiting, regulating and determining the uses of land, watercourses and other bodies of water, the size, height, bulk, location, erection, construction, repair, expansion, razing, removal and use of structures, the areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as yards and other open areas to be left unoccupied; c) establishing the maximum density and intensity of uses; d) providing for the administration and enforcement of this Ordinance in accordance with the Pennsylvania Municipalities Planning Code, including provisions for special exceptions and variances to be administered by a Zoning Hearing Board; and e) establishing provisions for the protection of certain natural features.

Section 2. Short Title

This Zoning Ordinance of the Borough of Media, as amended by the Ordinance attached hereto as Exhibit "A" shall be known and be cited as the "Borough of Media Zoning Ordinance" of 2023.

Section 3. Severability.

It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective. The Borough Council hereby declares that it would have passed this Ordinance and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid. If the entire Zoning Ordinance should be declared invalid, then the Borough of Media Zoning Ordinance that was in effect immediately prior to the enactment of this new Zoning Ordinance shall automatically be re-instated as the Zoning Ordinance for the Borough of Media.

Section 4. Procedural Defects in Enactment

Allegations that this Ordinance or any amendment was enacted in a procedurally defective manner shall be appealed as provided in State law.

Section 5. Repealer.

Any other Borough ordinances or resolutions or parts thereof that were adopted prior to this Ordinance that are clearly in direct conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 6. Effective Date. This ordinance shall be effective immediately following its adoption.

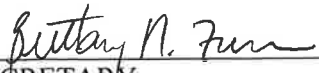
ENACTED AND ORDAINED, by the Borough of Media, Delaware County, Pennsylvania, this 20th day of April, 2023.

Attest:

BOROUGH OF MEDIA

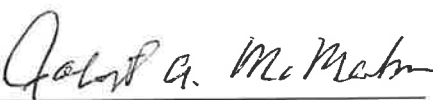


PRESIDENT OF COUNCIL
BRIAN C. HALL



SECRETARY
BRITTANY N. FORMAN

Approved this 20th day of April, 2023.



MAYOR
ROBERT A. McMAHON