

TOWNSHIP OF LOWER MERION

Building and Planning Committee

Issue Briefing

Topic: Zoning Code Amendment – Moderate Income Housing LDR3 & LDR4 (OSOD)

Prepared By: Christopher Leswing, Director, Department of Building & Planning
Colleen Hall, Senior Planner

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I. Action To Be Considered By The Board:

Authorize the Township Secretary to advertise a public hearing and notice of intent to adopt an Ordinance, to amend the Code of the Township of Lower Merion, Chapter 155, entitled Zoning to permit inclusionary Moderate Income Housing (MIH) as an incentive in the Open Space Overlay District (OSOD) in the LDR3 and LDR4 Districts.

II. Why This Issue Requires Board Consideration:

The Board of Commissioners approve all amendments to Township codes.

III. Current Policy Or Practice (If Applicable):

N/A

IV. Other Relevant Background Information:

The OSOD is an overlay district applicable to all residentially- zoned parcels over 5 acres. This proposed ordinance would only apply to those properties within the LDR3 and LDR4 zoning districts. Moderate-income housing is being proposed as an incentive, not as a mandatory requirement. If a development provides 30% of the total number of units as MIH housing with a minimum floor area of 1,500 square feet, the total tract density, known as the property yield, may be calculated on the total lot area and the yield frontage requirements are not applied. For developments providing 30% MIH, the density of the property would be essentially calculated at the gross of lots/square footage rather than the net area of what is left over after roads, slope penalties and frontage occupation requirements are applied. The property would still have to comply with the minimum requirements for the Preservation Area for the property that is typically 50% of the total tract area.

The proposed density incentive would result in greater density than is currently permitted by zoning, but in most instances would result in a density equal to or less than the density of the surrounding developed neighborhood.

MIH is defined in the zoning code's supplemental use regulations:

The total number of residential units and/or the amount of commercial space may be increased when an application provides on-site housing opportunities for a mix of household incomes, including both market-rate housing and housing that is affordable to moderate-income households, and provided that such units shall be so maintained by a covenant running with the land. Price and income guidelines for moderate-income households shall be as defined by the Pennsylvania Housing Finance Agency (PHFA) Keystone Home Loan Program income guidelines in effect at time of application. Developers and subsequent transferees of moderate-income units shall provide documentation showing compliance with these family incomes and rental/purchase price limits. The amount of the density increase shall be noted on the plan and recorded in the deed.

This MIH section has been successfully implemented in other mixed-use projects where an additional story is permitted in the TC1 district. There is limited application for the MIH for the LDR3 and LDR4 properties within the Township. Staff have provided the breakdown and maps (Appendix) of the current properties that the changes could apply to in the future. It is possible for other LDR3 and LDR4 properties to be consolidated in the future and then utilize these incentives in the OSOD district. Staff have also included the total number of properties in these districts, as well as their current sizes. Since this is an incentive it is completely voluntary by a developer to provide the MIH and receive the increased density.

Standards for Text or Rezoning Amendments

Staff confirmed with the Solicitor that the proposed amendments satisfy the standards for a zoning code amendment and recommend the adoption of the proposed ordinance. In anticipation of consideration for the proposed amendments, staff would like to draw attention to the standards for text or rezoning amendments, which are included in the Zoning Code:

§ 155-11.3.E.(2) Standards for text or rezoning amendments. In deciding whether to adopt or deny any proposed amendment, or to adopt some modification of the Planning Commission's recommendation, the Board of Commissioners shall consider, among other factors, the following:

- (a) Whether the proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan, as adopted and amended from time to time;
- (b) Whether the proposed amendment is compatible with current and projected conditions and the overall character of development in the immediate vicinity of the subject property;
- (c) Whether the proposed amendment is the most desirable use for which the land in the subject property is adapted; and
- (d) Whether the proposed amendment will have an adverse effect on the value of properties throughout the jurisdiction.

V. Impact On Township Finances:

There is no impact on Township Finances

VI. Staff Recommendation:

Staff recommends advertisement of the code amendments.