

AN ORDINANCE

NO. \_\_\_\_\_

**AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 155, Entitled Zoning, Article VII, Conservation And Preservation Overlays, §§ 155-7.2, OSOD Open Space Overlay District, Subsection (D), Maximum Density And Minimum Preservation Area, And Subsection (H), Transfer Of Development Rights, To Establish Density Incentives For Moderate-Income Housing (MIH) Located In The OSOD Overlay And The LDR3 Districts.**

The Board of Commissioners of the Township of Lower Merion hereby ordains:

**Section 1.** The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article VII, Conservation and Preservation Overlays, § 155-7.2, OSOD Open Space Overlay District, Subsection (D), Maximum density and minimum preservation area, Maximum density, is hereby amended as follows:

§ 155.7.2 OSOD Open Space Overlay District

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- D. Maximum density and minimum preservation area. The following development standards apply to all development in this district, except as is provided for in §155-7.2.H, Moderate-Income Housing (MIH).

**Section 2.** The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article VII, Conservation and Preservation Overlays, § 155-7.2, OSOD Open Space Overlay District, Subsection (H), Transfer of development rights. (Reserved), is hereby deleted and shall be replaced with a new Subsection (H), Moderate Income Housing, which shall provide as follows:

§ 155.-7.2 OSOD Open Space Overlay District

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- H. ~~Transfer of development rights. (Reserved)~~ Moderate-Income Housing (MIH)
  - (1) For developments in the LDR3 District in which 30% or more of the total number of units are guaranteed MIH with a minimum floor area of 1,500 square feet, the total tract density (yield) may be

calculated on total lot area, and the yield frontage requirements shall not apply.

**Section 3.** Nothing in this Ordinance or in Chapter 155 of the Code of the Township of Lower Merion, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 155 prior to the adoption of this amendment.

**Section 4.** Nothing in this Ordinance or in the Code of the Township of Lower Merion, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Code of the Township of Lower Merion prior to the adoption of this amendment.

**Section 5.** The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**Section 6.** This Ordinance shall take affect and be in force from and after its approval as required by law.

Approved by the Board of Commissioners of the Township of Lower Merion this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

BOARD OF COMMISSIONERS OF THE  
TOWNSHIP OF LOWER MERION

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Todd M. Sinai, President

ATTEST:

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Jody L. Kelley, Secretary