

AN ORDINANCE

NO. 4283

AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 155, Entitled Zoning, To Provide A Definition For Multifamily Housing, Low-Income (LIMH); To Permit LIMH In The MDR2 Residence District; To Provide Side Yard Setback, Building Height And Density Standards For LIMH Uses; To Provide For Buffering Of LIMH Uses; To Provide Parking Regulations For LIMH Uses; To Establish Qualifying Standards For LIMH Properties; And To Provide Regulations For The Expansion Of LIMH Uses Onto Adjacent Properties.

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 II, Definition of Terms, is hereby amended by the addition of a definition for Multifamily Housing, Low-Income, to provide as follows:

Article II. Definition of terms.

§ 155-2.1, Definitions. As used in this chapter, the following terms shall have the meanings indicated:

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MULTIFAMILY HOUSING, LOW-INCOME (LIMH)

A building or group of buildings containing a minimum of three residential dwelling units where each unit has direct access to the outside or to a common hall, where each unit is designed for and occupied exclusively as a permanent residence for a single family, and where a recorded covenant guarantees that each unit will be rented according to § 155-10.14 Low-Income Multifamily Housing.

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Section 2. The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article IV, District Specific Standards, § 155-4.2. Table 4.2.2. MDR2 Dimensional Standards, is hereby amended by the addition of the following standards for LIMH uses: Lot width, Lot Area, Impervious Surface, Frontage Occupation, buffering adjacent to LDR and MDR1 districts, side yard setback and building height, Table 4.2.2 to hereafter provide as follows:

Table 4.2.2. MDR2 Dimensional Standards	
Lot Occupation (See § 155-3.4, Lot occupation,)	
A Lot width	50 feet (SF, DU)
	20 feet per unit (RH)
	30 feet (TW)
	60 feet (QU)
	100 feet (SMF, LIMH)
Lot area	3,000 square feet minimum (SF)
	2,000 square feet minimum per unit (TW, DU, QU, RH, SMF)
	800 square feet minimum per unit (LIMH)
Impervious surface	50% maximum (SF, TW, DU, QU)
	60% maximum (RH, SMF)
	80% maximum (LIMH)
Frontage occupation	60% minimum
	50% minimum (LIMH)
Setbacks (See § 155-3.5, Frontages.) ^{1, 2, 3}	
Principal Building (feet)	
B Front	Predominant setback ⁴
C Side	0 or 10 minimum ⁵
	5 minimum (LIMH)
D Rear	25 minimum
Accessory Buildings and Structures (feet) ⁶	
E Front (measured from rear of PB)	20 minimum
F Front corner	10 minimum
G Side	5 minimum
H Rear	5 minimum
Building Height (maximum) (See § 155-3.3, Building height.)	
I Principal building	3 stories up to 40 feet
	4 stories up to 52 feet (LIMH)
Accessory building	2 stories up to 20 feet
Accessory structure	1 story up to 15 feet
Frontage Yard Types (See § 155-3.5, Frontages.)	
Common yard	Permitted

Fenced yard	Permitted
Shallow yard	Permitted
Urban yard	Not permitted
Pedestrian forecourt	Not permitted
Vehicular forecourt	Not permitted
Facade Types (See § 155-3.5, Frontages.)	
Porch	Permitted
Stoop	Permitted
Common entry	Permitted
Arcade/colonnade	Not permitted
Gallery	Not permitted
Storefront	Not permitted
Parking (See Article VIII, Parking Standards.)	
NOTES:	

1. Where a lot abuts a property zoned LDR or MDR, the side setback for the lot shall be that required of the abutting lot's district.
2. Garage location shall be according to § 155-8.4, Parking location.
3. Where a lot abuts a property zoned LDR or MDR1 at the side or the rear, the lot shall include a buffer of 20 feet in width.
4. See § 155-3.4I, Predominant setback. Where the predominant setback does not apply, the front setback shall be a minimum of 10 feet and a maximum of 20 feet.
5. Zero-foot side setback only applies where there is a shared party wall.
6. Refer to § 155-3.4F.

PB Principal building

SF Single-family

DU Duplex

QU Quad

TW Twin

SMF Small multifamily

LIMH Low-Income Multifamily Housing

RH Row house

Section 3. The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article V, Uses, Table 5.1, Use Regulations, is hereby amended to include low-income multifamily housing as a regulated use within the MDR2 district, Table 5.1 to hereafter provide as follows:

Table 5.1. Uses

Key:

P = Permitted use
 R = Regulated use
 C = Conditional use
 S = Special exception

LDR = Low Density Residential
 MDR = Medium Density Residential
 VC = Village Center
 TC = Town Center
 I = Institutional
 LI = Light Industrial
 MC = Medical Center District
 BMMD = Bryn Mawr Medical District
 RHR = Rock Hill Road District
 BMV = Bryn Mawr Village District
 CAD = City Avenue District

Uses	LDR	MDR	VC	TC	I	LI	MC	BMMD	RHR	BMV	CAD
Residential											
Single-family housing (detached)	P	P			(3)			p(6)		R(7)	
Duplex/twin		P			(3)			p(6)		R(7)	
Quad		p(1)			(3)						
Row house		p(1)			(3)			p(6)		P/R	R
Multifamily (small)		p(1)	R	R	(3)				R	P/R	R
Multifamily (large)		p(2)	R	R	(3)	R			R	P/R	R
Multifamily (low-income)		R(11)									

NOTES:

- (1) MDR 2 and 3 only
- (2) MDR 3 only
- (3) See Table 5.2, Uses for Institutions.
- (4) BMMD 3 only
- (5) BMMD 1 only
- (6) BMMD 2,3
- (7) BMV 1,3,4
- (8) CAD-BV only
- (9) CAD-RCA only
- (10) BMV2 only
- (11) MDR 2 only

Section 4. The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article V, Uses, Table 5.3, Use Regulations, is hereby amended to include low-income multifamily housing as a regulated use within the MDR2 district, Table 5.3 to hereafter provide as follows:

Table 5.3.
Use Regulations

Uses	Use Permitted			MDR1	MDR2	MDR3
	MDR1	MDR2	MDR3			
Residential						
Low-Income Multifamily Housing		R				Shall be in compliance with supplemental regulations in § 155-10.14. Low-Income Multifamily Housing (LIMH)

Section 5. The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article VIII, Parking Standards, Table 8.1, Minimum Parking Requirements, is hereby amended by the addition of parking requirements for low-income multifamily buildings, Table 8.1 to provide hereafter as follows:

Use	LDR	MDR	VC	TC	I	LI
Residential						
Multifamily (low-income)		1/unit				

Section 6. The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article VIII, Parking Standards, § 155-8.2 Parking reductions, subsection E, Affordable Housing, is hereby retitled and amended to provide as follows:

Article VIII. Parking Standards

§ 155-8.2. Parking reductions.

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E. Low-Income Multifamily Housing

Required parking may be reduced to .5 spaces per unit for low-income multifamily housing when in compliance with § 155-10.14 Low-Income Housing and located within one half-mile radius from a SEPTA train station.

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Section 7. The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article 10, Supplemental Use Regulations and Nonconformities, shall be amended by the addition of a new §155-10.14, Low-Income Multifamily Housing (LIMH), to provide as follows:

§ 155-10.14. Low-Income Multifamily Housing. (LIMH)

- A. The occupancy of LIMH residential units is limited to only low-income households having an income no greater than 60% of the current area median income as defined by the United States Department of Housing and Urban Development. A covenant running with the land must be recorded limiting use of the property to such low-income households. The provider and any subsequent transferee of LIMH residential units on a property must be a single, non-profit corporation whose purpose is limited to providing affordable housing to low-income households. Providers are required upon request by the Township to provide documentation showing compliance with family income and rental price limits.
- B. Within the MDR2 district, if an LIMH use is expanded onto an adjacent property under common ownership:
 - 1. The building on the adjacent property:
 - a. cannot exceed the height of the tallest building on the other property; and
 - b. will be exempt from:
 - 1. the provisions of 155-3.4.D requiring the primary entrance on the primary street frontage; and
 - 2. the provisions of 155-3.5.D(2) requiring particular frontage yard types; and
 - 3. the provisions of § 155-3.5.I requiring particular façade types; and
 - 4. the provisions of § 155-3.8.C requiring a change in building plane of at least four feet every 50 feet along the length or depth of the building.
 - 2. Required parking will be measured by the sum of the parking on each property.
 - 3. Any new structure on the adjacent property must be designed in a campus plan to reflect and facilitate common usage with building(s) on the other property.

Section 8. 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 9. 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 10. This Ordinance shall take effect 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 29th day of November, 2023.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF LOWER MERION

Todd M. Sinai, President

ATTEST:

Jody L. Kelley, Secretary