

Strategies for Increasing Housing Affordability

in Lancaster County, Pennsylvania



Lancaster County Planning Commission

In partnership with the

Lancaster Housing Opportunity Partnership

2012

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CHAPTER 1

Introduction and Background

Strategies for Increasing Housing Affordability in Lancaster County, Pennsylvania is a follow-up to *An Analysis of Regulatory Barriers to Housing Affordability*, a report published in January of 2010. The Regulatory Barriers document investigated a variety of potential regulatory barriers to housing affordability. Broad policy solutions for many of these issues are outlined in *Choices, the Housing Element of the Lancaster County Comprehensive Plan*. The *Strategies for Increasing Housing Affordability* document attempts to provide more extensive guidance on the decisions implicit in such policies.

About the Housing Affordability Task Force (H.A.T. Force)

The Housing Affordability Task Force is a committee composed of a variety of housing industry professionals. A joint effort between the Lancaster Housing Opportunity Partnership (LHOP) and the Lancaster County Planning Commission (LCPC), the group was formed for the purpose of identifying more specific strategies for overcoming regulatory barriers to housing affordability.



The Vision

An adequate supply, and diversity, of housing opportunities will be available in Lancaster County to give current and future residents greater choice in housing type and tenure (rental and ownership), location, and price for a place to call home.

— *Choices, the Housing Element of the Lancaster County Comprehensive Plan*

The Lancaster County Comprehensive Plan provides a broad vision, as well as goals, objectives, and strategies to implement this vision. This plan is both enabled and guided by the **Municipal Planning Code (MPC)**, Section 301(2.1), which calls for comprehensive plans to include “A plan to meet housing needs of present residents and of those individuals and families anticipated to reside in the municipality, which may include conservation of presently sound housing, rehabilitation of housing in declining neighborhoods and the accommodation of expected new housing in different dwelling types and at appropriate densities for households of all income levels.”

The principles articulated both in *Choices* and the *MPC* guided the work of the Housing Affordability Task Force, whose mission it was to provide more specific recommendations and tools to encourage the provision of affordable housing options.”

Document Summary

The strategies and recommendations contained within this document are intended to increase the supply of affordable housing, either through specific incentives or general improvement of regulations governing residential development. These strategies are primarily intended for designated growth areas, as designated by the Lancaster County, regional, or municipal, comprehensive plans¹. Such areas are generally characterized by access to basic infrastructure, employment opportunities, transportation choices, and other basic services and amenities. Significant residential growth outside of these areas is discouraged.

- “Chapter 2, Defining Affordability and Approaching the Problem,” explains why affordable housing is so important for Lancaster County, and provides background information on housing costs and cost burden, housing stock, need, and market trends that indicate growing demand for affordable housing.
- “Chapter 3, Model Zoning Ordinance Language to Promote Affordable Housing,” provides model ordinance language that can be used by municipalities to specifically encourage the provision of affordable housing. This ordinance language offers a density bonus and height incentive in exchange for the provision of housing that is affordable to households at a designated income level, as well as a fee- or land-in-lieu of affordable housing option.
- “Chapter 4, Model Conditional Use Provisions for Neighborhood Land Development Plans,” provides creative model ordinance language that can be used to combine elements of the zoning and subdivision & land development ordinances and promotes greater flexibility to both the municipality and the developer.
- “Chapter 5, Other Zoning Incentives for Affordable Housing,” suggests specific zoning incentives for affordable housing other than those that have been provided as part of Chapters 4 or 5, such as fee waivers, reductions, and deferments, reduced parking requirements, and reduced lot and setback requirements.
- “Chapter 6, General Methods for Reducing Regulatory Barriers to Affordable Housing, discusses regulatory policies and methods that can be used to reduce the cost of all housing by reducing unnecessary requirements. This section addresses topics such as

¹ For more information about designated growth areas, or other concepts, goals, or policies of the Lancaster County Planning Commission, please see our comprehensive plan, specifically *Balance, the Growth Management Element*, available at <www.co.lancaster.pa.us/planning>.

density, housing types, parks and open space requirements, road, sidewalk, and parking area standards, and plan processing.

- “Chapter 7, Other Recommendations,” offers county and state level recommendations to address housing affordability.

How to Use This Document

Strategies for Increasing Housing Affordability contains two specific examples of ordinance language that municipalities can use to encourage developers to offer affordable housing as an integral part of new developments.

Though the language has been thoroughly vetted, municipal staff and officials are encouraged to carefully consider the provisions and make adjustments as appropriate for their municipality. It may also be necessary to add greater detail to the ordinance for the purposes of administration. This document attempts to describe many of the options that are possible for such ordinances, but there are always ways to be even more creative and flexible.

Any word that is in **bold** font is defined in the glossary at the back of the document.

CHAPTER 2

Defining Affordability and Approaching the Problem

What is Affordable Housing and Why is it Important?

Housing is typically considered to be “affordable” if a household spends less than 30 percent of its total monthly income on **housing costs**. A household that pays 30 percent or more of its monthly household income towards **housing costs** is described as being **cost burdened**, while a household that pays 50 percent or more is described as being **severely cost burdened**.² Using this definition, a dwelling unit that is “affordable” to one family may not be affordable to another; thus an adequate supply of **affordable housing** refers to a community’s ability to provide a diverse supply of housing of various styles and at various costs.



A community experiences an **affordable housing** shortage when the housing stock does not include a range of housing opportunities to meet the demand for housing at all points along the price spectrum. As long as there is available housing at all points, each household will be able to find a home that is appropriate for its needs. When housing costs are universally high or housing choices are limited, many families may have difficulty finding a home that is both within the appropriate price range and is also suitable for a certain lifestyle. As a result, households may need to sacrifice basic necessities such as medical care, clothing, and nutritious food, move away from their community to find somewhere more affordable, double up with family or friends, or ultimately seek the refuge of a homeless shelter.³



The impacts of an affordable housing shortage are far-reaching and are not limited to the families that are in need of housing. Affordable housing serves vital community employees, such as policemen, nurses, and teachers. Young people just graduating from college or high school, older people on fixed-incomes, families with small children, employees of our local grocery stores and banks — all are examples of people who benefit from affordable housing. Businesses and employers need affordable housing nearby so that their employees will have quality places to live. When workers cannot find affordable housing near their place of employment, they may need forced to commute longer distances, which in turn will crowd the transportation network. Affordable housing is inextricably linked to the efficiency and

² These definitions are the most widely used and accepted because they are used by the Federal Department of Housing and Urban Development; however, it is important to note that even these definitions are very general and may not accurately reflect housing cost burden. High-income households may be able to spend 40 percent of their monthly income on housing and still be able to afford luxuries, whereas low- and extremely low-income households may spend only 20 percent of total monthly income on housing and still have trouble affording basic necessities such as food and clothing. Thus, the “30 percent” standard likely understates housing cost burden on the lower half of the income spectrum, while over-stating it on the upper half of the income spectrum.

³ Lancaster County Planning Commission. “An Analysis of Regulatory Barriers to Housing Affordability in Lancaster County, PA.” 2009. <www.co.lancaster.pa.us/planning>: 4.

**Table 1. Median Rent, Owner Costs and Income from 2007 to 2010
Lancaster County, Pennsylvania**

<i>Rent, Owner Costs, and Income</i>	<i>2007</i>	<i>2010</i>	<i>Total Change</i>
Median gross rent	\$726	\$822	\$96
Median monthly owner costs for housing units with a mortgage	\$1,355	\$1,417	\$62
Median household income	\$52,764	\$51,740	-\$1,024

U.S. Census Bureau. "American Community Survey 1-Year Estimates, 2007 and 2010." *American FactFinder*. <www.census.gov>. American Community Survey figures are estimates, thus change may not be statistically significant.

viability of our community and our economy.

A good housing policy that ensures a wider variety of housing types and price levels is also a good economic sustainability and development policy. Indeed, good housing is literally the foundation of a great community.

The Increasing Need for Affordable Housing: Data, Trends, and Projections

Demand for affordable housing is growing in Lancaster County. Census information, studies, and demographic projections point to increasing rates of **housing cost burden** and shortages of housing that is affordable to low and moderate income people.⁴

Basic housing and income information reveals troubling trends; between 2007 and 2010, the median income in Lancaster County actually declined, while monthly housing costs continued to rise. **Table 1** shows that average monthly housing costs have risen substantially over just three years, though households are less able to afford these rising costs.

When costs and expenses increase but income does not, families are often forced to pay more than they can afford in order to obtain safe, decent housing. When this happens, we see an increase in **housing cost burden**. Housing cost burden occurs when a household pays more than 30% of monthly income in housing costs. **Table 2** shows that in 2010, more than



⁴ Projections that are part of *Choices* were completed in 2006, before the economic conditions began to shift dramatically in 2007. As a result, these projections likely underestimate the need for affordable housing in the coming years.

Table 2. Percent of Housing Units that are Cost Burdened

<i>Housing Units that are Cost Burdened</i>	<i>2007</i>	<i>2010</i>
Percent of housing units with a mortgage	32.0	34.4
Percent of renter-occupied housing units	44.4	51.5

U.S. Census Bureau. "American Community Survey 1-Year Estimates, 2007 and 2010." *American FactFinder*. <www.census.gov>. American Community Survey figures are estimates, thus change may not be statistically significant.

a third of owner-occupied households with a mortgage and more than half of all renters were spending more than they could afford on housing. These figures grew substantially even in the three years prior to 2010.

This growth in housing cost burden is expected to continue to grow over the next 20 years unless action is taken. This is due in part to the anticipated growth in **low-** and **moderate-income** households. Household projections by income completed as part of *Choices, the Housing Element of the Lancaster County Comprehensive Plan* showed that a growing percentage of households will likely be **low-income**, or earning less than the HUD median income in the future. Because these households have the fewest housing options available to them, they are the most likely to be burdened by their housing costs. The percentage of households earning less than 80 percent of the **area median income** is expected to grow from about 37.9 percent of the total number of households to 40.5 percent — an increase of nearly 27,500 households if household projections hold true. As households earning less than the median income make up more and more of the total households, demand for housing that is affordable to these lower income levels will also grow.

Shortages of affordable housing were examined in depth in the Federal Reserve Bank of Philadelphia study *Affordability and Availability of Rental Housing in Pennsylvania* which concluded that Lancaster County has one of the most severe affordable housing shortages in the state for certain income levels. In the year 2000, Lancaster County was among the Pennsylvania counties with the greatest shortage of housing units for **extremely low income** (ELI) households (those earning less than 30% of the **area median income**). However, shortages of affordable and available housing units were evident for both ELI and **very low income** (VLI) households (those earning less than 50% of the area median income).⁵

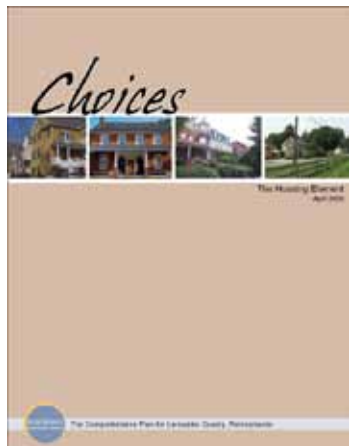
By 2005–2006, estimates suggested that shortages of housing affordable to extremely low income and very low income households had grown.⁶ For every 100 renter households with household incomes of less than 30% of area median income, only 31 affordable and available housing units existed. For households earning less than 50% of area median income, 73 affordable and available housing units existed.⁷

This growth in low and moderate income households and the

⁵ Federal Reserve Bank of Philadelphia. “Affordability and Availability of Rental Housing in Pennsylvania.” December, 2009: 24.

⁶ Ibid: 39. (However, these changes were not statistically significant at the 9 percent confidence level.)

⁷ However, even specific figures matching income levels to housing affordability and availability may not entirely capture the true demand for **affordable housing**. Housing that is affordable may not meet the other needs of the households within various income levels, in terms of the level of quality and safety, size and number of bedrooms, accessibility for those with limited mobility, or proximity to jobs, transit, and other necessary amenities, for example.



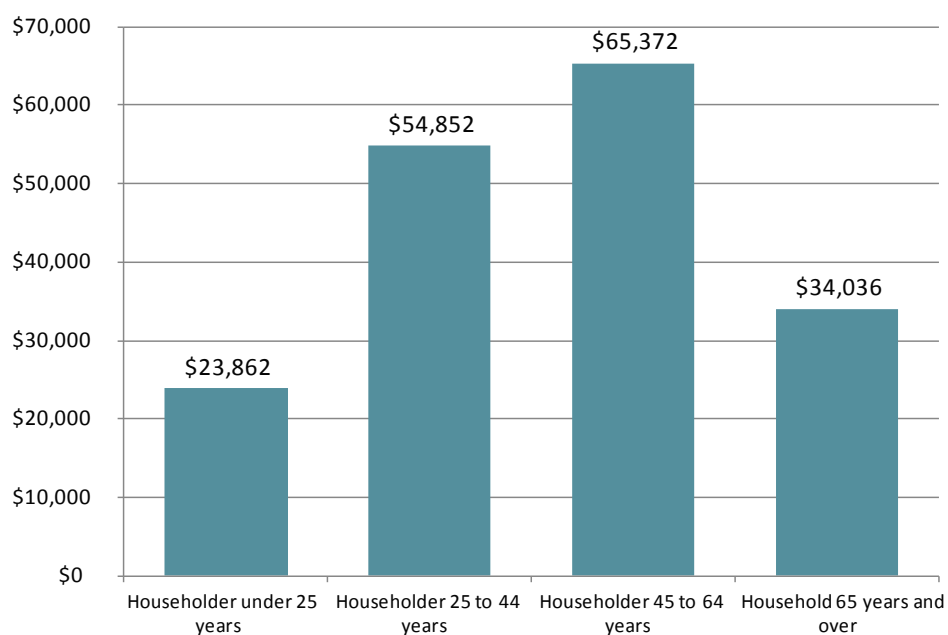
**Table 3. Median Household Income by Householder Age in 2010
Lancaster County, Pennsylvania**

<i>Householder Age</i>	<i>Median Household income in the past 12 months (in 2010 inflation-adjusted dollars)</i>
All Households	\$51,740
Householder under 25 years	\$23,862
Householder 25 to 44 years	\$54,852
Householder 45 to 64 years	\$65,372
Householder 65 years and over	\$34,036

Source: US Census Bureau. 2010 American Community Survey, 1-Year Estimates. <www.census.gov>

The “householder” is head of household as designated by the person who filled out the census form. The household income measures the total household income of all members of the household regardless of age. This chart cannot be interpreted to mean that all members of the household are within the specified age range and is only intended to approximate.

**Figure 1. Median Household Income by Householder Age in 2010
Lancaster County, Pennsylvania**



corresponding affordable housing shortages are due in part to the changing demographic composition of the population in Lancaster County. The growing elderly population (over age 65) and a growing number of young singles and couples will have an impact on income and earnings. Because income tends to be very low among young people, generally increases steadily with age, and decreases substantially after retirement, in the next twenty years the largest population segments will be those that have traditionally earned the least. **Table 3** and **Figure 1** show how drastically the median household income varies between households with middle-aged heads of households as opposed to very young or very old household

heads.

This information shows that Lancaster County must take action. Many residents in Lancaster County already lack access to safe, decent, and affordable housing. Our population is expected to grow in a way that will increase our need for affordable housing; recent trends indicate that we are already showing signs of lower incomes, higher housing costs, and higher rates of housing cost burden.

National Trends in Housing

National trends, though not entirely in line with housing in Lancaster County, may at least offer some insight into the direction of the market.

There is excess supply of large, single-family detached housing, which is related to declining home sale prices evident across the country.⁸ Despite these declining sale prices, the number of U.S. households spending more than 30% of monthly income on housing costs is increasing.⁹ This seemingly contradictory combination is the result of a number of factors.

While sale prices may have declined, the majority of homeowners have not sold their homes since the economic decline, and thus are still paying the same or more (variable rate mortgages) to stay in their homes. Second, home utility costs are increasing dramatically.¹⁰ Third, high unemployment rates, personal debt, tightening mortgage qualification standards, shaken confidence in the value of homeownership, changing demographics and household dynamics, and a host of other factors have contributed to declining homeownership rates as people move into the rental market.¹¹ Though apartment construction is on the rise, demand for rental is increasing at an even faster rate, resulting in increasing rental prices.¹²



8 Robert Steuteville. "The Coming Housing Calamity." (New Urban News Publications: 28 April 2011)

Keith Wardrip. "Housing Affordability Trends for Working Households: Affordability Worsens Despite Decline in Home Prices." (Center for Housing Policy. December 2009)

Dina ElBoghdady. "Affordable Rental Housing Scarce in U.S., Study Finds." (Washington Post: 26 April 2011)

9 Ibid.

10 Keith Wardrip.

11 Robert Steuteville.

Keith Wardrip.

Derek Kravitz. "Generation of Renters Rises from Troubled Market". (Intelligencer Journal/Lancaster New Era (AP): 24 May 2011)

Dina ElBoghdady.

12 Derek Kravitz.

How many affordable housing units do we need?

Choices provided projections of growth in the number of households by income level countywide. Bearing in mind that projected levels of housing cost burden after just ten years fell significantly short of actual levels, it should be assumed that these projections of the number of affordable housing units needed represent the absolute minimum. Projections of growth in the number of households between 2010 and 2020 total approximately 19,000 households, for an average of about 1,900 units per year over the ten year period. More than half of these new households will need housing that is affordable below 100% **area median income**. According to HUD, median income was approximately \$69,500 for a family of four in 2012. This translates into a total monthly housing cost of less than \$1,738. **Tables 4 and 5** show the number of new households that are projected to be formed in Lancaster County between 2010 and 2030 and the anticipated income level of these households.



Table 4. Projected Total Number of New Households by Income as a Percent of Area Median Income between 2010 and 2030
Lancaster County, Pennsylvania

<i>Income as a Percent of Area Median Income</i>	<i>2010–2020 Number of New Households</i>	<i>2020–2030 Number of New Households</i>
116+	7,607	8,317
101–115	802	832
81–100	1,676	1,794
51–80	4,870	5,484
31–50	1,760	1,921
<30	2,292	2,559
Total New Households (Projected)	19,007	20,907

Source: Lancaster County Planning Commission. *Choices, the Housing Element of the Lancaster County Comprehensive Plan*. 2006.

Table 5. Projected Percentage of New Households by Income as a Percent of Area Median Income between 2010 and 2030
Lancaster County, Pennsylvania

<i>Percent of Projected New Households by Income</i>	<i>2010–2020 Percent of Total Change in Households</i>	<i>2020–2030 Percent of Total Change in Households</i>
Percent at 115% AMI or below	60.0	60.2
Percent at 100% AMI or Below	55.8	56.2
Percent at 80% AMI or Below	46.9	47.7

Source: Lancaster County Planning Commission. *Choices, the Housing Element of the Lancaster County Comprehensive Plan*. 2006.



Determining specific housing needs at the municipal level is a far more complicated task. The target affordability level may vary from municipality to municipality depending on housing shortages, available local jobs, and cost burden within each community. Overall housing shortages in the county should also be considered. Many of the sources referenced in this section are more specifically cited in **Appendix A**, “References for Determining Municipal Housing Need.”

Why Zoning Incentives for Affordable Housing Are Necessary

The H.A.T. Force dealt primarily with one major question, which frames the discussion contained within this document: what incentives can be offered at the municipal level to increase the production of housing that is affordable to local residents and workers?

Specific zoning incentives for affordable housing are necessary because housing is so expensive to build. Most new affordable housing in Lancaster County is built by nonprofit developers who specialize in the development of affordable housing. Because of the complex requirements for financing a project, they also specialize in pulling together several sources of funding. Absent incentives, most for-profit builders cannot build and then either sell or rent at an affordable price without losing money. In other words, a developer / builder using traditional means of land use planning, financing and construction cannot recoup their costs by selling or renting to low to moderate income households.

Because housing is so expensive to build, adjustments to standards such as lot size, housing type, or setbacks alone may not be sufficient to enable developers to provide housing that is affordable to low and moderate income households. Municipalities can offer incentives for the provision of such housing by offering regulatory relief in exchange for the inclusion of housing that is affordable to households at specific income levels. In order to successfully implement these policies, an understanding of the prices of housing and the incomes of households within a municipality is crucial.



Income Levels for Zoning Incentives for Affordable Housing

For the purpose of identifying the households that are most in need of affordable housing, the H.A.T. Force will use the income limits documentation system developed by the U.S. Department of Housing and Urban Development. These income limits are updated annually and adjusted for family size.

In Lancaster County, the H.A.T. Force recommends that eligible households include those earning less than 115 percent of the **area median income**. This definition is consistent with *Choices, the Housing Element of the Lancaster County Comprehensive Plan*, which identifies **moderate-income** households as those earning between 81 and 115 percent of the

**Table 6. HUD Income Limits for 2012
Lancaster County, Pennsylvania**

<i>% of Area Median Income (AMI)</i>	<i>2-Person Household</i>	<i>4-Person Household</i>
120%	\$66,750	\$83,400
115%	\$64,000	\$79,950
100% (Median)	\$55,600	\$69,500
80%	\$44,500	\$55,600
60%	\$33,400	\$41,700
50%	\$27,800	\$34,750
30%	\$16,700	\$20,850

Source: US Department of Housing and Urban Development. 13 December 2011. FY 2012 *Income Limits Documentation System*. <<http://www.huduser.org/portal/datasets/il/il2012/2012summary.odn>>. Some levels are not expressly provided by HUD and have been estimated by LCPC for illustrative purposes.

area median income, and **low-income** households as those earning 80 percent of the area median income or less. Examples of jobs earning such a wage include beginning teachers, emergency service providers, store clerks, administrative professionals, and semi-skilled and skilled laborers. These individuals represent our family, friends and neighbors and are vital to the health and welfare of our community and the local economy.

Table 6 provides a clearer picture of what the “percent of area median income” translates to in dollars and cents. HUD income levels are also adjusted by family size, so the smaller the family the lower the income level. The target affordability level may vary from municipality to municipality depending on housing shortages, available jobs, and cost burden within each community.

CHAPTER 3

Model Zoning Ordinance Language to Promote Affordable Housing

This section provides model language for two key zoning ordinance elements designed to encourage the production of affordable housing. The first is a model to provide specific incentives for affordable housing, while the second is a flexible approval process. These pieces are intended to work together, and have both been designed to be used as part of a **neighborhood development**, enabled under Articles VII and VII-A, of the *Pennsylvania Municipalities Planning Code* (MPC).



Model Affordable Housing Incentive Ordinance Language

Zoning Incentives for Affordable Housing (also known as Inclusionary Zoning) refers to a means by which housing that is affordable to low- and/or moderate-income households is facilitated through zoning regulations. This type of regulation is the most direct and intentional way in which municipalities can address specific housing affordability issues for households within their communities. Such regulations are unique in that they clearly regulate the level at which the housing units must be affordable; this allows municipalities to directly address specific housing needs and shortages.



Zoning regulations that address affordable housing have been adopted throughout the country, state, and county. These regulations may either mandate the provision of affordable housing or offer optional incentives in exchange for the provision of housing. There is currently no state legislation in Pennsylvania that specifically enables affordable housing mandates such as those found in neighboring states of Maryland and New Jersey. However, the *Municipalities Planning Code* clearly allows municipalities to increase **density** where additional requirements are met (such as the provision of affordable housing). For this reason, many existing ordinances addressing affordable housing in Pennsylvania are voluntary and incentive-based, though some Pennsylvania municipalities have chosen to enact mandatory zoning provisions.

In Pennsylvania, zoning provisions for affordable housing have been adopted in municipalities located in the counties of Bucks, Chester, Centre, Lancaster, Mifflin, Monroe, and Montgomery as of July, 2011.¹³ In Lancaster County, three municipalities, including Lititz Borough, Mount Joy Borough, and West Lampeter Township, have adopted such incentives. These regulations vary significantly in terms of requirements and specificity, so municipalities that are considering zoning incentives for affordable

¹³ The provisions of these ordinances have been inventoried by the Centre County Office of Planning and Community Development in a document entitled *Inclusionary Provisions, Pennsylvania Examples*. <<http://www.co.centre.pa.us/planning/housing.asp>>.

housing have a wide range of examples and models from which to choose.

The following model language provides a replicable example of a **density** bonus and building height bonus which developers can obtain if they include affordable housing as an integral part of a new development. A fee-in-lieu or land-in-lieu option is also included, which enables developers to obtain incentives if they contribute land or funds to organizations that will provide affordable housing.

Pennsylvania Municipalities Planning Code

Article VI – Zoning

Section 603(c) – Zoning ordinances may contain:

- (5) Provisions to encourage innovation and to promote flexibility, economy and ingenuity in development, including subdivisions and land developments as defined in this act;
- (6) Provisions authorizing increases in the permissible density of population or intensity of a particular use based upon expressed standards and criteria set forth in the zoning ordinance;

Model ordinance language is provided at the top of the page, while comments, explanations, and additional options are provided below. The ordinance can also be found in its entirety in **Appendix B**, Model Affordable Housing Incentive Ordinance Language, page 47.



Community Basics, Inc. and Architectural Concepts

Section XXX.XX Affordable Housing Incentive¹⁴

- A. Intent. To promote a diverse and adequate supply of housing opportunities in (*municipality name*), address the housing needs of all current and future residents, and provide greater choice in housing type, tenure, location, and price for a place to call home.
- (1) To increase the supply of affordable housing.
 - (2) To meet the housing needs of current and future low and moderate income residents in the community.
 - (3) To provide affordable housing in a variety of locations. To ensure that people who work in the community may also live in the community.
 - (4) To stabilize property values.
 - (5) To implement the housing goals and policies contained in the municipal and county comprehensive plans.
- B. For purposes of this section, an Affordable Dwelling Unit is defined as a dwelling that is:
- (1) Owner occupied, affordable to and sold to households with an income of equal to or less than 115% of the Lancaster County median income for households as determined by the U.S. Department of Housing and Urban Development, as adjusted for family size and updated annually, or
 - (2) Renter occupied, affordable to and leased to households with incomes equal to or less than 80% of the Lancaster County median income for households as determined by the U.S. Department of Housing and Urban Development, as adjusted for family size and updated annually.

¹⁴ Intent section adapted from the following sources:

Lancaster County Planning Commission. *Choices, the Housing Element of the Lancaster County Comprehensive Plan*. (April 2006) <www.co.lancaster.pa.us/planning>.

Lehigh Valley Planning Commission. "Inclusionary Zoning: Guide/Model Regulations." (December 2008) <<http://www.lvpc.org/pdf/inclusionaryZoning.pdf>>.

West Lampeter Township, "Lancaster County Zoning Ordinance. Section 285-34(S)(6)." <<http://www.ecode360.com/WE2002>>.

NOTES, APPENDICES & EXPLANATIONS

AFFORDABLE DEFINITION and INCOME LEVELS FROM HUD

How should the affordability level be determined?

- The affordability level indicated in the ordinance should reflect the housing needs in your community, but should also consider regional housing demand. See **Appendix A** (page 45) for a variety of data sources and information to help you determine affordable housing need in your community

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- Standards for both homeowner-occupied and renter-occupied housing should be provided to enable the flexibility to respond to market conditions or local need. Only in extreme cases of renter/homeowner imbalance should communities consider affordable housing incentives for only homeowners or only renters. It is also recommended that distinct affordability levels be provided for homeowner-occupied housing units and renter-occupied housing units:
 - HOMEOWNER:
 - Experience in Lancaster County suggests that homeownership can be financially challenging for households earning less than 80% of the median family income; however, this is dependent on super-local factors such as taxes, land values, fees, etc. and will thus vary by county and municipality.
 - For the purposes of this report, 115% AMI was selected as the maximum threshold of affordability for homeowner occupied households. Few, if any, resources are available to subsidize or assist householders earning above this income level. Additionally, households above this income level can typically afford to purchase a quality home without assistance, and have a number of choices available to them.
 - RENTER:
 - Low-income renters (those earning less than 80% of AMI) have the fewest affordable housing choices available to them and are therefore the most likely to be housing cost burdened (spending more than 30% of monthly income on housing costs.)

Why should HUD income levels be used?

- Most funding sources for affordable housing use HUD Income Limits to establish eligibility, so using these in zoning regulations makes for easy comparison. Using another data source in a zoning ordinance may result in confusion and inconsistent eligibility. For example, the median family income for Lancaster County from the 2009 American Community Survey was \$64,937 – but the comparable HUD figure was \$67,400.
- HUD Income Limits are updated annually for all counties; other data sources may be updated less frequently and may only provide figures for geographies over a certain population threshold.
- HUD median income figures are adjusted by family size and will thus provide a more accurate assessment of each family's ability to pay for housing.

How are HUD income limits established?

- The U.S. Department of Housing and Urban Development (HUD) establishes annual income limits which dictate eligibility for its many programs. Specific methodology for determining these income limits changes annually based on available data, economic conditions, and previous income limits. In general, income limits are derived by adjusting and updating median family income from American Community Survey data.
- To view HUD income limits, use the following link: <<http://www.huduser.org/portal/datasets/il.html>>.

C. The following optional bonus regulations shall apply where authorized as a conditional use:

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On-Site Provisions of Affordable Dwelling Units

Where Incentives are Permitted

This model language was designed to be part of a neighborhood development¹⁵ approved as a conditional use. Thus, the density bonus is applicable only in those zoning districts in which the Neighborhood Development is permitted. The municipality could also choose to offer the density bonus within the base zones. Careful consideration should be given as to where the density bonus is offered. Locations within urban growth areas, with access to public water, sewer, transportation, and other important services are prime for this type of incentive.

Approval Process

Zoning uses in Pennsylvania may be permitted by right, by special exception, or by conditional use. For a description of each process, see **Appendix C**, Uses Permitted by Right, Special Exception, and Conditional Use, page 51.

Uses Permitted by Right, Special Exception, and Conditional Use

The decision of which approval process to use for optional bonus regulations is one that should be unique to each municipality. The dynamics of the community and the various approving bodies should guide this decision. The advice of the municipal solicitor should always be sought prior to adoption of such a provision. Regardless of which process is ultimately selected, it should achieve the following:

- give the community opportunity to voice valid concerns
- provide the developer with clear expectations and allow flexibility in fulfilling these expectations
- enable fair and expeditious review
- allow the municipality adequate oversight

The conditional use process is used in this model ordinance primarily because it is the most cautious approach from a legal perspective, and thus tends to be the most commonly used approval process for Neighborhood Developments. Many municipalities and communities feel most comfortable with conditional use because it provides them with the greatest amount of oversight and flexibility. However, the conditional use

¹⁵ Neighborhood Developments are enabled under Article VII-A of the *Municipalities Planning Code*.

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approval process may have a longer time frame, in part due to the extensive requirements for public testimony. As a result of the longer timeline and additional administrative costs, developers may be reluctant to enter such a process. Model Conditional Use Provisions have been provided as part of this document (see Chapter 4, Model Conditional Use Provisions for Neighborhood Land Development Plans, page 28) in an attempt to provide alternative approaches to the conditional use process. These provisions are intended to be used in a neighborhood development to expedite the approval process by combining certain elements of the subdivision and land development ordinance and the zoning ordinance.

Though the model ordinance was designed specifically for the conditional use process, the by-right process may also be used for an affordable housing incentive option. The by-right approval process is the most straightforward and theoretically requires the least amount of time; this predictability is likely to make it the preferred process for developers and communities with the strongest commitment to the provision of affordable housing. However, the framework of this process does not provide some of the additional review and legal oversight provided by the conditional use process. In order to allow the affordable housing incentive by right, significant changes to the model ordinance language may be necessary, possibly including but not limited to the removal of references to the governing body and the clarification of any discretionary requirements.

The special exception process is not recommended for zoning incentives for affordable housing. This process requires the approval of the zoning hearing board and is based on a set of clearly-defined criteria; as such, it is better suited for highly technical issues rather than broader community development issues. The same requirements for public testimony can prolong the approval process and increase expenses, though flexibility is limited and the ordinance must anticipate all potential circumstances and clearly articulate them into regulation. This process will also require the applicant to pursue approvals from separate and independent bodies, which may not necessarily agree on the requirements; zoning approvals from the zoning hearing board and subdivision and land development approvals from the governing body.¹⁶

¹⁶ Or planning commission, in some municipalities.

(1) On-Site Provision of Affordable Dwelling Units

- (a) **Dwelling Unit Minimum Thresholds.** If a development proposal includes 20 or more new dwelling units and includes a minimum of 10% of the total dwelling units that are to be sold or leased as affordable housing at base density, then a density bonus and building height bonus shall be allowed. Fractions shall be rounded down (ex: $5.7 = 5$).
- (b) **Bonus Provisions.**
- [1] A density bonus shall result in an ability to build three (3) additional dwelling units for every affordable dwelling unit up to the maximum density allowed by Subsection _____. [By way of example: 25 acres x 4 units/acre base density = 100 dwelling units planned at base density x 0.10 = 10 affordable housing units x 3 = 30 bonus dwelling units for a 30% increase in total units and a total of 130 units.]
 - [2] A building height bonus shall result in the ability to construct buildings to a maximum of _____ feet to enable not more than four (4) stories for habitation purposes.

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Density Bonus

Most ordinances offering affordable housing incentives require between 5 and 20 percent of the total housing units to be affordable in order to qualify for the incentive. Ordinances in Lancaster County typically require 10 percent of the units to be affordable. Some municipalities, such as Lititz Borough, may provide a bonus on a per-unit basis without any minimum percentage requirement.

- Municipalities should consider a variety of scenarios to establish the minimum and maximum number of affordable units that could be constructed using the language.
- The value of the affordable housing density bonus should be determined relative to the value of other density bonuses. Because the provision of affordable housing represents a significant investment on the part of the developer, the affordable housing density bonus should be likely be worth more than other density bonuses.
- In order to avoid any possible confusion, it is important for the ordinance to clearly define the way in which the density bonus is calculated. Providing an example will help to eliminate any possible confusion over the calculation of the density bonus.

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- One of the most important aspects is the maximum allowable density. The maximum allowable density enables the density bonus increase to be achieved. An example of how the maximum density could work at odds with the density bonus:
 - Scenario:
 - Maximum allowable density without a bonus: 4 Dwelling Units per Acre (DU/A)
 - Maximum allowable density with a density bonus: 4.5 DU/A
 - 25 developable acres (net acres)
 - If a development proposal includes 20 or more new dwelling units and includes a minimum of 10% of the total dwelling units that are to be sold or leased as affordable housing at base density, then a density bonus shall be allowed. A density bonus shall result in an ability to build three (3) additional dwelling units for every affordable dwelling unit up to the maximum density allowed.
 - Density Bonus Mathematics:
 - $25 \text{ acres} \times 4 \text{ DU/A} = 100 \text{ dwelling units at base maximum density}$
 - $100 \text{ total dwelling units} \times 10\% = 10 \text{ affordable dwelling units}$
 - $10 \text{ affordable dwelling units} \times 3 \text{ bonus units} = 30 \text{ bonus units}$
 - $90 \text{ dwelling units} + 10 \text{ affordable dwelling units} + 30 \text{ bonus dwelling units} = 130 \text{ total dwelling units}$
 - $130 \text{ total units} / 25 \text{ acres} = 5.2 \text{ DU/A} > 4.5 \text{ DU/A maximum allowable density}$
 - In this scenario, the developer could not build all of the earned bonus dwelling units because the maximum density with a density bonus is not high enough to permit it.
- Other lot and bulk requirements, such as minimum/maximum allowable lot size, impervious coverage, setbacks, etc. should also be carefully evaluated to ensure that they enable the maximum density.

Building Height Bonus

A building height bonus is also recommended. In addition to reducing the impervious coverage of the development, this height bonus also helps to ensure that the density provided for in the density bonus is actually achievable. The value of the building height bonus should be dependent on the character of the municipality and the zoning district in which the bonus is applicable. In general, one additional story (from 10 to 15 additional feet) above the minimum allowable standards of the zone should be sufficient.

In most parts of Lancaster County, a maximum building height of 35 feet, or about 3 stories, is applicable; for this reason, the model language uses a 4-story maximum height with the bonus. However, a greater height allowance may certainly be appropriate in developed areas.

Municipalities should also be cognizant of how “height” is defined in the ordinance, as the definition may in some cases limit the ability of the developer to obtain the number of stories permitted by the density bonus.

(c) **Additional Standards:** To qualify for such bonuses the Applicant shall demonstrate to the Governing Body compliance with the following:

- [1] Affordable dwelling units shall only be sold or leased to individual(s) within a household meeting the definition in subsection A as their primary residence.
- [2] The restriction upon affordable housing shall continue for 15 years after each dwelling unit is initially occupied. The restriction upon the affordable housing shall apply at the time of the initial sale or lease of the dwelling units and any subsequent sale or lease of the dwelling units during the restriction period. The income determination shall be based upon the income of the inhabitants of the dwelling unit during the previous calendar year. This subsection shall not require a household to move out of an affordable dwelling unit because their income has increased.

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Time Restrictions on Affordability

The 15 year period is recommended as a minimum affordability period, though affordable housing developers or organizations may certainly opt to preserve affordability for longer periods if they have the means to do so. Affordable housing zoning incentives in certain counties in Pennsylvania require affordability to be preserved for far longer periods of time, sometimes even in perpetuity; however, land trusts or land banking are typically required in order to provide for such extensive affordability periods.

For rental properties, the 15-year time frame is actually well-aligned with several key variables for affordable housing, including the Low Income Housing Tax Credit timelines as well as common timelines for upgrades and renovation which in turn may simplify project financing.

However, the time frame may be more difficult for homeowner-occupied properties. If the first homeowner sells before the 15 year period, a system must be developed to maintain the affordability of the unit, typically by requiring the homeowner to leave some of the equity in the property. This can act as a serious deterrent for possible homeowners, and might also cause the Conditional Use to be re-opened. The ordinance language is designed so that the specifics of this process would need to be established by the developer and approved by the municipality.

The Florin Hill project in Mount Joy Borough, Lancaster County, for example, rewards homeowners with incremental increases in the share of equity to which they are entitled for each year they stay in the home. Selling the home before the end of the 30-year restriction period will result in a portion of the sale proceeds being recycled back to the non-profit organization. This money can then be used to help subsidize the home for the next buyer.

The affordability of the unit for the full 15-year term must be guaranteed through legally enforceable means, typically through a deed restriction. However, the Documentation and Administration Section (C)(1)(e), below, provides the applicant with the flexibility to use another method to ensure the affordability period, as long as this method is acceptable to the governing body.

(d) **Design Requirements.** The following design requirements shall apply.

- [1] Developments proposing greater than ten (10) affordable housing units shall not concentrate the affordable housing units in one location or in a separate portion of the development.
- [2] If affordable units of a certain housing type are provided, market rate units of that same housing type shall also be provided and integrated among the affordable housing units. Affordable housing units shall not be differentiated from market rate units by housing type.
- [3] In addition to complying with any architectural guidelines established for the overall development proposal, the façade of affordable housing dwellings shall be compatible in design, appearance, construction and quality of materials with similar market rate dwellings being proposed.

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Design Requirements

It is preferable that affordable housing units be interspersed throughout a development rather than concentrated in a single location, as concentration may result in stigmatization or isolation of the residents of affordable units. However, the level of integration can be a point of contention between developers and municipalities. The recommendation here provides a middle ground, allowing smaller developments (those estimated to contain 10 or fewer affordable housing units) to cluster affordable units but prohibiting larger developments from concentrating them.

In terms of architecture and appearance, the recommendations provided here reflect a desire to ensure a cohesive design and character throughout the development, while allowing the developer to make changes to the affordable units that will help control costs and maximize affordability. The facades of affordable dwelling units must be compatible with – though not identical to – those of market rate dwelling units. Additionally, affordable dwelling units may not be distinguishable by structural type. If all of the affordable dwelling units are townhomes, there must also be some market-rate townhomes.

Some ordinances go a step further, and may specify that affordable units may not appear from the exterior to be different from market rate units, that the energy efficiency and construction requirements of affordable units may not be less than that of market rate units, or stipulate specific square footage ratios between affordable and market rate units. However, other minimum standards such as those contained in the building code or affordable housing funding requirements will likely address these issues to some extent. Minimal regulation and greater flexibility will help to improve the usability of the ordinance.

- (e) **Documentation and Administration.** The applicant shall provide, as part of the application, documentation in recordable form as to how the affordable housing program shall be funded, monitored, implemented and enforced and shall agree that the program conditions and requirements will be made a condition of approval. Applicants are encouraged to propose to involve a third-party organization in overseeing compliance with this section, with that organization responsible to certify ongoing compliance in writing to the Zoning Officer on an annual basis at a minimum.

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Documentation and Administration

This section allows the specifics of the affordable housing program to be designed by the applicant, which provides for a great deal of creativity and flexibility. This document should be recorded with the plan, as it is designed to ensure that the programmatic elements are clearly articulated and are acceptable to all parties involved. Ideally, the involvement of a third-party organization will facilitate the process by bringing experience, expertise, and funding opportunities to the table. It may also be helpful to provide a separate “checklist” that summarizes the requirements of the ordinance as a quick reference for applicants. An example is provided below.

Checklist – Documentation and Administration for On-Site Provision of Affordable Dwelling Units

- ✓ Location, zoning designation, and ownership of the residential project
- ✓ Total number of housing units, number of affordable housing units, and number of market rate housing units
- ✓ Income level at which affordable dwelling units will be affordable
- ✓ Exact location of each of the affordable units (identify specific lots)
- ✓ Housing type mix of affordable units as compared to market rate units
- ✓ Term of affordability for affordable units
- ✓ Documentation as to how affordability will be guaranteed for the term
- ✓ Detailed description of affordable units, demonstrating design compatibility with market rate dwellings
- ✓ Identification of/contact information for the organization responsible for overseeing and certifying ongoing compliance in writing to the Zoning Officer on an annual

- (2) **Fee, Land, or Buildings in Lieu Of Provision of Affordable Housing.** As an alternative to the requirements of Section (C)(1) in lieu of construction of affordable housing within the proposed development and upon approval by the governing body, an applicant may contribute a fee, land and/or building(s), or a combination thereof. If approval of an alternative is granted, then a density bonus shall be allowed.
- (a) **Affordable Housing Bonus.** Such density bonus shall result in an ability to construct up to 20% more dwelling units up to the maximum density allowed by Subsection _____. [By way of example: 25 acres x 4 units/acre base density = 100 dwelling units planned at base density x 0.20 = 20 bonus dwelling units for a 20% increase in total units and a total of 120 units.]

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Fee, Land, or Buildings in Lieu of Provision of Affordable Housing

This section of the model ordinance is designed to be a secondary option to the provision of on-site affordable housing units if extenuating circumstances prevent the applicant from complying with section (C)(1), or if a concentration of affordable housing exists in the immediate vicinity. The governing body is given the power to accept the applicant's rationale for using (C)(2) rather than (C)(1); this renders it the more risky option for the developer. The provisions herein are designed to be somewhat less rewarding than those in section (C)(1). in order to encourage developers to use the on-site provision of affordable housing option whenever possible.

The provision of affordable housing units within new developments is preferable because it creates a range of housing prices in a single location. It also ensures that the units will be built at the time the development is constructed, as opposed to the less certain time frame of fee-in-lieu or land/building contributions. However, if affordable housing is not possible on-site, the in lieu of options allow the developer to support affordable housing in other ways.

- (b) **Eligibility.** To be eligible for this alternative, one or more of the following conditions must be met to the satisfaction of the governing body:
- [1] The provision of affordable housing units within the proposed development in accordance with Section(C)(1) is not feasible due to economic considerations outside the control of the Applicant. Such economic considerations may include higher than expected cost of land, infrastructure (streets, utilities, sewer, water, etc.), and building materials. Such economic considerations shall take into account any density and height bonuses and financial assistance, or the lack thereof, from other public, non-profit or private sources for the provision of affordable housing.
 - (i) The governing body may require documentation demonstrating and supporting the claims made by the Applicant.
 - (ii) A lower than expected profit or rate of return for the entire development project shall not be considered an economic hardship.
 - [2] Within a mile radius in the municipality of the proposed development project, sufficient affordable housing opportunities already exist specifically for households defined in subsection A at the time of application submittal or are already approved to be constructed so as not to concentrate such housing in one area of the municipality. Applicant shall provide a market study for the proposed development that addresses housing types and prices to assist the Governing Body in evaluating this condition and making its decision.

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Eligibility

This section provides two criteria on which a developer may apply to the governing body for the right to pursue the off-site or fee-in-lieu options. Because this is a “secondary” option to the provision of affordable housing on-site, the applicant will need to make a case to the governing body.

First, there may be an economic or environmental consideration outside of the control of the developer. For example, if the full density bonus was not attainable due to site restrictions, or, if the initial cost of infrastructure was too high that an affordable price could not be reached for the affordable units on the site, then the lower density bonus could then be used.

Second, there may already be sufficient affordable housing in the vicinity of the proposed development. Because affordable housing best supports local economies when it exists in a variety of locations near jobs and transit, it may not be in the municipality’s best interest to support affordable housing in places where a substantial amount already exists. A one-mile radius, within the municipality in which the development would be located, was selected because it provides a clear area in which to determine whether a concentration of affordable housing exists. Census geographies might also be used for this purpose; however, the property will likely not be located at the center of the census geography, which could result in an under-estimate or over-estimate of the availability of nearby affordable housing. A housing market study is required for this section based on the assumption that any affordable housing funded through public or semi-public sources would be required to complete a market study as a part of the funding application.

- (c) **Fee in Lieu of.** If approval is granted by the Governing Body for the contribution of a fee-in-lieu of construction of all or a portion of the affordable housing required for the incentive in subsection (C)(1):
- [1] The calculation of the fee shall be one percent (1%) of the median home sale price of market sales of single family and condominium residential homes in Lancaster County for the preceding calendar year as determined by the Lancaster County Association of Realtors multiplied by the total number of housing units proposed within the development after the density bonus has been applied. [By way of example: \$175,000 median home sale price x 0.01 x 125 total housing units = \$218,750 total contribution]
 - [2] Said contribution shall be made to the municipality or an established organization, approved by the municipality, whose mission includes the development of, or provides capital for the development of, affordable housing. In such case, the contribution shall be used to create or preserve affordable housing within the municipality.
 - [3] The contribution shall be paid in full prior to the issuance of the first building permit for the development.

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Fee In Lieu of Affordable Housing

Fee-in-lieu of affordable housing refers to a payment made by a developer to a municipality or other designated organization in place of providing affordable housing on-site. There are several key considerations for this type of incentive, including the value, administration, and use of the fee. Input from local housing professionals should always be sought if such a fee is being considered to ensure that the fee is fair, effective, and appropriate for the community.

The value of the fee-in-lieu of affordable housing is designed to be high enough to provide a substantial benefit to an organization developing affordable housing, but also low enough that it is still profitable for the developer to use the incentive. For illustrative purposes, the fee has been calculated at 1% of the median home sale price, multiplied by the total number of units in the proposed development. Had the developer provided the affordable housing on-site, this development of 125 units would have required at least 12 affordable housing units. This fee-in-lieu calculation would yield around \$20,000 per unit in place of the provision of affordable housing.

Each of the variables used to calculate the fee could potentially be adjusted based on the specific needs of the community. For example, whereas the model language uses the median home sale price for the entire county, the median home sale price for the individual municipality might also be used. This option might be most

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appropriate for municipalities in which the cost of housing – and thus the need for affordable housing – tends to be the greatest. Communities might also consider annual adjustment of the fee based on market factors other than the average sale price. If the municipality intends to update the fee on a regular basis, it may be best listed in the schedule of fees rather than within the ordinance.

This ordinance allows the fee to be contributed either to the municipality or an organization engaged in the development of affordable housing. In most circumstances, it will probably be preferable for a dedicated organization to accept the funds, as these organizations will have the processes in place to use or distribute the funds efficiently; they may also be less encumbered by regulation than municipal governments.

However, collected fees could potentially be used for a variety of uses related to affordable housing development, which may vary depending on the specific needs within the municipality. In a young community experiencing extensive growth, creating new affordable housing units within the municipality in which the fee was collected might be the most appropriate use for the fee. Fees might also be used to cover the cost of engineering or other approval fees for future affordable housing developments. In older communities, the establishment of a revolving fund for the rehabilitation of existing housing to be rented or sold to low/moderate income households might be more appropriate.

- (d) **Land and/or Buildings in Lieu of.** At the sole discretion of the Governing Body, approval may be granted by the Governing Body for the contribution of land and/or building(s) in lieu of construction of affordable housing within the proposed development subject to the following requirements:
- [1] Such contribution shall be donated to the municipality or an established organization, approved by the municipality, whose mission includes the development of affordable housing.
 - [2] The contribution shall be used to create affordable housing within the municipality.
 - [3] Such contribution of land and/or buildings may be in combination with a fee-in-lieu of construction of affordable housing. The total fair market value of the contribution (land, building(s) and/or fee) must be at least equal to the amount of the contribution that would be required in subsection (C)(2)(c)(1).
 - [4] The method used by an applicant to determine the value of any contribution of land and/or building(s) must be acceptable to the Governing Body.

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Land and/or Buildings in Lieu of

Conceptually similar to the fee-in-lieu of affordable housing option, the land-in-lieu would instead allow developers to donate land to a non-profit developer or other organization that would then build the affordable housing. This land might be located adjacent to the development site or off-site; off-site locations should not, however, contribute to existing concentrations of affordable housing but rather should increase diversity of housing choices in the immediate area. Developers would need to certify to the governing body that an adequate amount of land is donated to construct the affordable units, and that appropriate zoning is in place to enable this development.

- (e) **Documentation and Administration.** An approval to provide a contribution of land, buildings and/or a fee-in-lieu of construction of affordable housing must be incorporated into a legally binding agreement acceptable to the governing body, which at a minimum shall include, but not be limited to:
- [1] Information detailing how the land, building(s) or fees will promote affordable housing.
 - [2] Provision to ensure that the goal of providing affordable housing is achieved.
 - [3] Assurances that affordable housing is provided in appropriate areas.
 - [4] A waiver by the applicant of any refund of the fees or a return of any land or building(s) contribute

CHAPTER 4

Model Conditional Use Provisions for Neighborhood Land Development Plans

An affordable housing incentive may be provided in a zoning ordinance, among other incentives, to fulfill a policy goal of the municipality. In some cases the incentive may be a part of a neighborhood development or other mixed-dwelling / mixed-use district or overlay. While we are not recommending a preferred procedural method, such developments are often permitted by conditional use. However, in terms of housing affordability, the conditional use process itself could be a disincentive for achieving municipal policy goals.

Creative zoning language permitting neighborhood developments provide more flexibility to the developer and the municipality. Such language typically provides policy goals and objectives, ranges of possibilities and alternatives more so than the usual exacting prescriptive zoning lexicon. Flexibility allows creativity that often leads to better design and the achievement of community development objectives. For the process to work effectively for both the applicant (developer) and municipality, greater constructive interaction between all parties is a must. However, too often instead, flexibility comes with a perception of greater risk for both the developer and municipality leading to the conditional use process being used more as a deterrent rather than a tool.



For the process to be constructive rather than destructive, it is important to know the pitfalls. Some of the drawbacks of the conditional use process can include:

- uncertainty in final zoning approval or the specifics (conditions) of the approval
- increased time in plan processing and approval associated with hearings
- sequential nature of zoning and subdivision / land development plan processing (rather than a simultaneous or coordinated effort)
- increased costs due to increased plan processing time, greater upfront design requirements and legal fees as a result of providing testimony and evidence during hearings
- modifications to zoning requirements for greater design flexibility or post final conditional use decisions typically require separate hearings, and in the case of zoning, go to a separate body (the zoning hearing board)
- increased risk of capital associated with all of the above

Therefore, there is a greater need for communication of policy and design

goals prior to and during the application, review and approval process. Critical to an efficient and effective process is well documented and coordinated planning and zoning process. Typical development procedures separate the planning and zoning process. The **zoning ordinance** and **subdivision and land development ordinance** are two separate documents and are treated as such in most development approval processes. It is possible to combine many of the pertinent requirements of the two into a more seamless process. By doing so, the above pitfalls can be avoided and each party's objectives are met and the community wins.

The suggested regulations which follow are meant to be incorporated within a neighborhood development or other overlay district in zoning the ordinance. The language provides for greater flexibility for both the developer and municipality. It also allows for coordinated zoning and subdivision and land development approvals.

Model Conditional Use Provision Language¹⁷

A. Plan submittal standards and coordination of conditional use and subdivision approvals.

- (1) The governing body in approving conditional use applications shall make compliance with the site plan and any revisions thereto required by the governing body a part of the approval. The applicant shall develop the tract in the manner set forth on the site plan and any required revisions thereto unless a change to the site plan is authorized in accordance with the following subsections. The procedure for revisions to the site plan shall supersede the provisions for changes to the site plan set forth in Article ____ [*general zoning administration article*] of this chapter.
- (2) The municipality has an objective of seeking to work with an applicant to coordinate conditional use and subdivision approvals. A review period for a conditional use may overlap the review period under the Subdivision and Land Development Ordinance, provided the requirements for each ordinance are met.
 - (a) At the discretion of the governing body, the governing body may take additional action to waive preliminary plan submittal requirements. However, if such action is taken, the governing body may require compliance with § ____ [*preliminary plan section*] of the Subdivision and Land Development Ordinance. A substantial amount of detailed engineering submittal requirements may be deferred by the governing body from the preliminary subdivision plan stage to the final stage if the applicant makes a legally binding commitment that no construction and no major grading will begin until after final plan approval is granted.
- (3) Provided that any change is approved under the Subdivision and Land Development Ordinance and/or Stormwater Management Ordinance as applicable, the applicant may make minor

¹⁷ Adapted from West Lampeter Township, Lancaster County, Pennsylvania. *Code of Ordinances: Chapter 285, Zoning*. (Adopted 10 July 2006) < <http://www.ecode360.com/WE2002>>.

revisions to the site plan without needing an additional conditional use approval for the following changes:

- (a) Alteration of any of the following items within the requirements of applicable sections of the zoning ordinance:
 - [1] Increase in the number of dwelling units or decrease in the number of dwelling units not in excess of 10%
 - [2] Change in the percentage or mix of each type of dwelling unit by no more than 10% and still within the parameters of Subsection ____ *[zoning section dealing with dwelling mix]*.
 - [3] Change in the amount of nonresidential building area or land area to be devoted to nonresidential uses of not more than 10%
 - [4] Change in the amount of open space areas by not more than 10% nor location of these areas by more than 800 feet.
 - [5] Change in the minimum lot sizes for the residential dwellings by not more than 10%.
 - [6] Change in any improvement proposed to qualify for a density incentive authorized by Subsection ____ *[zoning section providing incentives]*.
- (b) An applicant may make minor revisions to the site plan as may be necessary to accommodate fully engineered stormwater management facilities, public sewer facilities, public water facilities, floodplains and changes to street design as may be required by the Pennsylvania Department of Transportation (PennDOT) as part of a highway occupancy permit. The governing body during the subdivision and land development process shall determine whether the applicant's proposed changes to the approved site plan constitute minor revisions necessary to accommodate fully engineered stormwater management facilities, public sewer facilities, public water facilities, floodplains, and changes to street design as may be required by PennDOT as part of a highway occupancy permit.
- (4) An applicant who desires to make a change to an approved site plan which the governing body determines does not constitute a revision authorized by Subsection A(3) above shall apply for and obtain an additional conditional use approval.
 - (a) Any applicant for a change to an approved site plan shall demonstrate that the change continues to meet all the requirements of this §____ *[article and section in zoning ordinance authorizing the use]*.
 - (b) An applicant who desires to make a revision to an approved site plan which affects a matter in excess of the modifications allowed in Subsection A(3) above, or that affects a matter not addressed by such section, shall demonstrate to the satisfaction of the governing body during the additional condition use approval process that such change will:

- [1] Generally enhance the development plan, or in any case not have an adverse impact on its physical, visual, or spatial characteristics.
- [2] Generally enhance the streetscape and neighborhood, or in any case not have an adverse impact on the streetscape and neighborhood.
- [3] Not result in configurations of lots or street systems which shall be impractical or detract from the appearance of the proposed neighborhood.
- [4] Not result in any danger to the public health, safety, or welfare by making access to the dwellings by emergency vehicles more difficult, or by depriving adjoining properties of adequate light or air or by violating the other purposes for which zoning ordinances are to be enacted under Section 604 of the *Pennsylvania Municipalities Planning Code*.
- [5] Allow equal or better results than the originally approved site plan and represent the minimum modification necessary.

B. Modification of Standards. The governing body may, by conditional use approval, permit the modification of the design standards in order to encourage the use of innovative design. An applicant desiring to obtain such conditional use approval shall, when making application for conditional use approval for a development using the _____, also make application for conditional use approval under this Subsection _____. The governing body shall consider both conditional use approval requests simultaneously. Any conditional use to permit a modification of the design standards shall be subject to the following standards:

- (1) Such modifications of design standards better serve the intended purposes and goals as expressed in Subsection _____ *[section providing for purposes]*.
- (2) Such modifications of design standards would not result in adverse impact to adjoining properties nor future inhabitants within the development.
- (3) Such modifications will not result in an increase in residential densities permitted for the district.
- (4) Such modifications will not result in a decrease in common open space below that required in Subsection _____ *[subsection providing open space requirements]*.
- (5) The extent of modification provides the minimum amount of relief necessary to ensure compliance with the preceding criteria in this §_____ *[article and section in zoning ordinance authorizing the use]*.

CHAPTER 5

Other Zoning Incentives for Affordable Housing

The following are other options that could potentially be offered as additional, specific zoning incentives for affordable housing.

Fee Waivers, Reductions and Deferments

Fees associated with development in Lancaster County in many places make up a substantial portion of the cost of a home. These fees might include municipal engineer and solicitor fees, transportation impact fees, parkland fees-in-lieu of dedication, and sewer and water tapping fees, and review fees. In 2007, housing professionals estimated that fees and approval costs in an average development would total approximately \$25,000 per lot.¹⁸ Fee waivers, reductions, or deferments either for affordable housing units or developments including a portion of affordable housing units can reduce the cost to developers directly, or by providing a favorable environment for financing.

The *Municipalities Planning Code* (MPC) specifically enables municipalities to provide a credit for any portion of the transportation impact fee for developments that include housing for low/moderate income residents [Section 503-A(a)(5)(i)].

Review fees and parkland fees-in-lieu of dedication that are administered by municipalities may possibly be waived or reduced for affordable units under certain circumstances. The municipal solicitor should be consulted before waiving these fees or other fees which are authorized by statute. Fees such as water and sewer tapping fees are generally determined by municipal authorities rather than by municipal government; thus, the municipal authority must be consulted on any waiver or deferment. In the case of fee deferment the municipality should implement a means of ensuring the financial obligation is satisfied in the event of sale or dedication, such as deed restrictions, covenants, agreements, etc.

Reduced Parking Requirements

Many ordinances have off-street parking requirements that far exceed realistic parking demand. Baseline parking requirements should be set to reflect anticipated demand (*see Road, Sidewalk, and Parking Area Standards on page 40.*)

However, low- and moderate-income households are likely to have fewer vehicles than do upper income households. In 2001, the National Household Travel Survey reported that three quarters of low-income



18 Michael Carper, Jeff Rutt, Richard Jackson, Mark Stanley, and Mark Stivers. "Why Does New Housing Cost So Much?" (Presentation at the Lancaster County Housing Summit, 2008)

**Table 7. Total Adults, Units, Bedrooms, and Vehicles in Affordable Apartments in 2012
Lancaster County, Pennsylvania**

Type of Unit	Number of Adults	Number of Units	Number of Bedrooms	Number of Vehicles	Vehicles per Unit	Vehicles per Bedroom
Apartments	11	10	22	11	1.1	0.5
Apartments	18	15	18	12	0.8	0.7
Apartments	130	95	248	115	1.2	0.5
Apartments 55+	78	58	131	57	1.0	0.4
Apartments 55+	26	24	26	10	0.4	0.4
Apartments	24	18	41	16	0.9	0.4
Apartments	30	23	47	23	1.0	0.5
Apartments	72	56	138	52	0.9	0.4
TOTAL	389	299	671	296	1.0	0.4

Source: Community Basics, Inc. (Jo Raff), February 2012.

families in the United States did not own a vehicle, while about half of higher-income families actually had more vehicles than drivers.¹⁹

For this reason, it may be appropriate to offer flexible or reduced off-street parking requirements for affordable housing units. This is particularly appropriate in apartment or townhouse developments, or other situations in which a large bank of parking must be provided (as opposed to on-site).

Parking requirements should be based as much as possible on demonstrated parking demand, as in the following table of vehicles per affordable housing unit in affordable apartments in both suburban and urban communities around Lancaster County. Most of these developments were required to provide a minimum of two off-street parking spaces per unit. However, data shows that the residents of each apartment only have access to one vehicle on average. Additionally, residents, on average, have access to less than one half of one vehicle for every available bedroom.

Most zoning ordinances assign parking requirements on a per-unit basis. However, parking requirements can also be assigned by the number of bedrooms, which generally offers a closer approximation of the number of vehicles that are likely to be associated with a housing unit. **Table 7** also shows that the average number of vehicles per bedroom tends to vary less than does the average number of vehicles per unit figure.

Reduced Lot Size and Setback Requirements

In many ordinances, lot sizes and setbacks may be designed to exactly fit the allowable density. Where density bonuses are enabled, municipalities



¹⁹ U.S. Department of Transportation. "Summary of Travel Trends: 2001 National Household Travel Survey." (December 2004) <<http://nhts.ornl.gov/2001/pub/stt.pdf>>.

need to ensure that all other lot size and setback requirements actually allow for the increased density that is permitted through the density bonus. As an example, if maximum allowable density with the density bonus is 7 dwelling units per acre, but minimum lot size is 10,000 square feet, the developer will never be able to reach the allowable density.²⁰ This renders the density bonus essentially ineffective.

Commercial Incentives for the Provision of Affordable Housing

Zoning incentives for affordable housing can also be provided for commercial uses. Such incentives might be in place of or in addition to a residential density bonus. This might be particularly applicable in mixed use developments that include both commercial and residential components. Developers that provide a certain number of affordable dwelling units might be rewarded with any of the following:

- greater floor area ratios
- greater allowable commercial square footage
- lower lot coverage requirements
- use of a greater portion of the a parcel for commercial uses

²⁰ There are 43,560 square feet in an acre – so that 10,000 square foot lots would yield a maximum density of only 4.3 dwelling units per acre.

Additional Resources

American Planning Association. “Model Smart Land Development Regulations.” Interim PAS Report. March 2006.

Centre County Planning and Community Development Office. “Inclusionary Housing: Model Policies for Centre County.” 30 June 2010 <<http://www.co.centre.pa.us/planning/housing.asp>>.

Centre County Planning and Community Development Office. “Inclusionary Regulations: Pennsylvania Examples.” 10 July 2009
<http://www.co.centre.pa.us/planning/housing/inclusionary_regulations.pdf>.

Lehigh Valley Planning Commission. “Inclusionary Zoning: Guide/Model Regulations.” December 2008 <<http://www.lvpc.org/pdf/inclusionaryZoning.pdf>>.

Lennertz, Bill, et al. “An Introduction to Charrettes.” *Planning Commissioners Journal*, Number 17, Summer 2008
<http://www.charretteinstitute.org/resources/files/charrettes_pcj_article.pdf>.

Lititz Borough, Lancaster County, Pennsylvania. *Code of Ordinances, Chapter 122, Zoning Ordinance*.

Montgomery County Planning Commission. “Promoting Workforce Housing: Expanding Locations and Development Potential.”
<<http://planning.montcopa.org/planning/cwp/view,a,1629,q,58514.asp>>.

Mount Joy Borough, Lancaster County, Pennsylvania. *Zoning Ordinance*, Ordinance No. 549, adopted 19 July 1999.

Pennsylvania Department of Community and Economic Development. “Reducing Land Use Barriers to Affordable Housing.” Planning Series #10.
<http://www.newpa.com/webfm_send/1515>.

U.S. Environmental Protection Agency. *Parking Spaces/Community Places: Finding the Balance Through Smart Growth Solutions*. January 2006.

West Lampeter Township, Lancaster County, Pennsylvania. *Code of Ordinances: Chapter 285, Zoning*. Adopted 10 July 2006. <<http://www.ecode360.com/WE2002>>.

CHAPTER 6

General Methods for Reducing Regulatory Barriers to Affordable Housing

In addition to specific incentives for developments that include affordable housing, municipalities can also consider the impact of regulations on the price of all housing. Some municipalities provide incentives in the following areas to developments that include affordable housing. However, the committee felt that some standards could be applicable to residential development in general in order to reduce the overall cost of housing. Thus, the following standards should be considered for development, when and where appropriate, rather than as an incentive for affordable housing development alone.

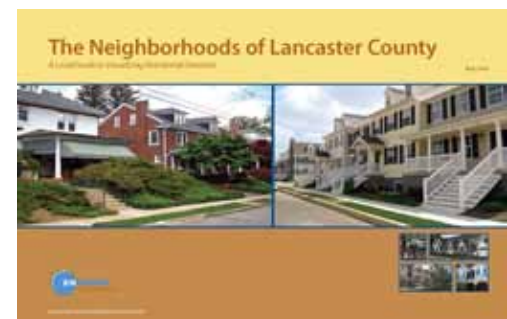
Density, Lot Size, and Setbacks

The Lancaster County Comprehensive Plan provides specific goals, objectives, and strategies related to the location and intensity of new development. These are intended to manage growth, to enhance community and neighborhood character, and to provide for the housing needs of current and future residents.

Within urban growth areas, the Lancaster County Comprehensive Plan establishes a target density of 7.5 **dwelling units per acre**. This is an average **net density**, so that some areas should actually have densities that exceed this level. Within village growth areas, a target density of 2.5 dwelling units per acre is recommended. Municipalities should strive to meet or exceed these goals whenever possible.

Density plays a central role in the Lancaster County Comprehensive Plan for a variety of reasons. As it relates to the issue of affordable housing, density is a critical consideration because it so strongly influences the cost of housing. At the 2009 Centre County Affordable Housing Summit, one developer provided the audience with a line-by-line pro forma of all the costs associated with a housing development. He calculated all costs in two scenarios: one at a density of 2.6 dwelling units per acre, and the other at a density of 3.3 dwelling units per acre. For this small density disparity of 0.7 dwelling units per acre, the estimated difference of the hard costs was \$18,070 *per lot*. Lot sizes, similarly, should enable permitted densities.

The Lancaster County Planning Commission has developed a tool, entitled *The Neighborhoods of Lancaster County*, which is designed to help Lancaster County residents envision density. (Sample follows on pages 38–39) This document is an excellent reference that provides the reader with a better sense of what different densities and lot sizes look and feel like. By using local examples, it is clear that many of our most famous



page from *The Neighborhoods of Lancaster County***Site Characteristics****Average Lot Size:** 0.06 acres (2,614 sq. ft.)**Range of Lot Size:** 0.02 – 0.2 acres (871 – 8,712 sq. ft.)**Average Lot Depth:** 113 ft. (ranging from 100 ft. – 130 ft.)**Right-of-way:** 50 ft.**Cartway:** 37 ft.**Type of residences:** Single-family detached and semi-detached**Mixed Use:** Commercial activities are within a quarter of a mile.**Vegetation:** Yes, the street did have trees, not on a consistent basis though. Most front yards had plants or shrubs.**Alleys:** Yes**Sidewalks:** Yes**Type of building material:** Brick**Open Space:** The 6th Ward Playground lies only a block away and the McCaskey athletic fields are also within close distance. In addition to that, the lot depths provide adequate-sized yards.

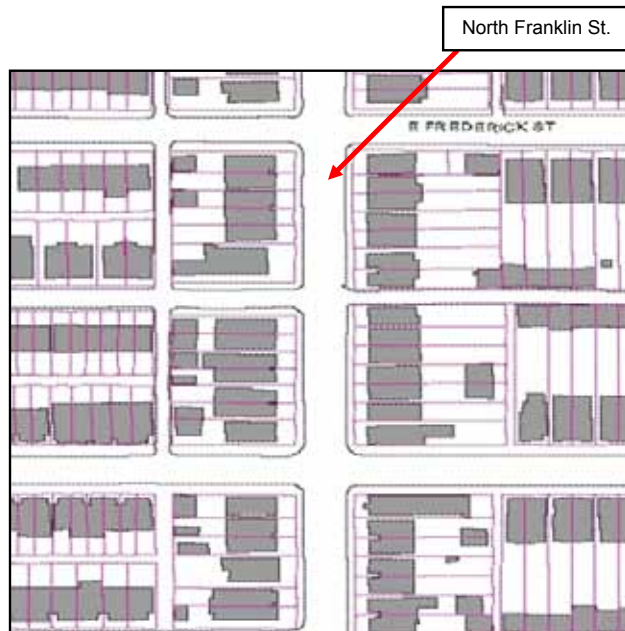
This lot along N. Franklin St. shows how trees and plants can strengthen the visual appeal of a property.

Net Density: 16.7 residential lots per acre**Gross Density:** 9.7 residential lots per acre**Existing Zoning Ordinances****Residential District:** R2**Minimum Lot Area:** 4,000 sq. ft. for detached dwellings, 2,500 sq. ft. for semi-detached dwellings**Minimum Lot Depth:** 100 ft.**Minimum Lot Width:** 40 ft. for detached dwellings, 25 ft. for semi-detached dwellings**Minimum Front Yard Depth:** 20 ft.**Minimum Side Yard Depth:** 5 ft.**Minimum Rear Yard Depth:** 25 ft.**Maximum Building Height:** 2.5 stories at 35 ft. for detached dwellings, and 2.5 stories at 30 ft. for semi-detached dwellings**Required Off-Street Parking:** At least one space per dwelling unit

A streetscape of North Franklin St.



The cross section of North Franklin St.



North Franklin St.

53

North Franklin Street

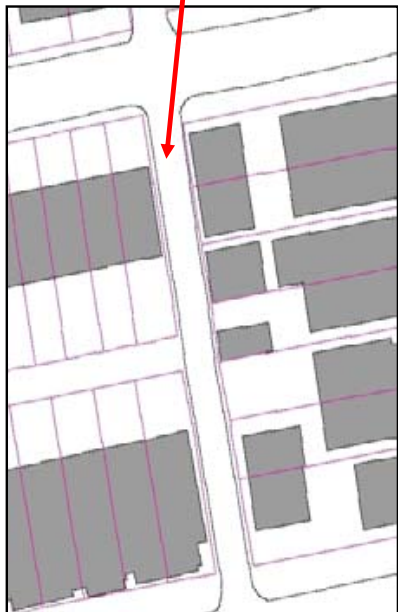
Located in the northeastern section of the city, North Franklin Street is the hub of an older single-family detached and semi-detached neighborhood. These houses that are nestled into a newer section of the city, but still old in age, were developed during the first quarter of the twentieth century. Development in this neighborhood began in the early 1900's. Aside from the age of this area, the mixed-type housing creates a pleasant variation from one lot to another. The size of these houses and their porches are considerably larger than their counterparts seen closer to downtown Lancaster City. Although the size may have increased, the characteristics along this street are similar to downtown streets; a sense of community is felt (due to the closeness of houses), large mature trees are present along streets, and there are numerous alleys.



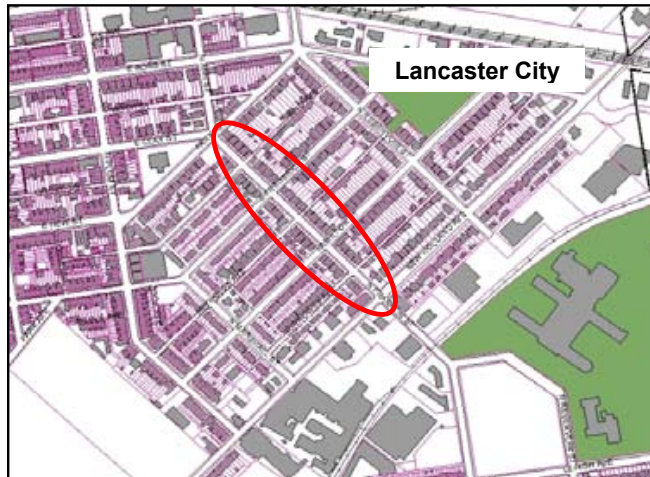
The other side of North Franklin St.



An alley behind North Franklin St.



The alley seen in the photo above. The alleys around this neighborhood greatly enhance the interconnectedness of the area, which in turn helps to lower traffic congestion.



The GIS view of North Franklin Street and the surrounding area (the street is circled in red).



A bird's eye view of North Franklin Street.

Lancaster County places are, in fact, dense communities.

Housing Types

One of the key pieces of the vision of *Choices, the Housing Element of the Lancaster County Comprehensive Plan*, is to provide greater choice in housing type. By allowing for a variety of housing types, municipalities allow developers the flexibility to respond to market conditions. In an era of constantly changing demographics and economic and housing market conditions, this flexibility will be vitally important. By allowing developers to provide the types of houses that people desire, municipalities also help to ensure that both demand and housing values in their communities remain strong.



For these reasons, all major housing types – including single-family detached, single-family semi-detached, townhouses, and apartments – should be permitted, by right, on residentially-zoned lands without environmental constraints that are within growth areas and have access to water, sewer, and other vital infrastructure.

In addition to traditional housing types, more innovative types such as apartments above commercial uses, live-work units, and accessory dwelling units should also be permitted wherever practicable.

Parks and Open Space Requirements

The provision of parks and open space is an important element of any community; these places provide a place for recreation and community gathering, which contribute significantly to quality of life. However, these spaces must also be maintained and paid for, and thus can constitute additional costs for the residents of individual developments or municipalities as a whole. A balance must be achieved between the provision of adequate land and the costs of maintaining such places.

Greenscapes, the Green Infrastructure Element of the Lancaster County Comprehensive Plan, recommends that municipalities provide about 10 acres of parkland per 1,000 residents. In a municipality with an average household size of 2.5 persons, this translates into roughly 10 acres for every 400 housing units. In no case should parkland set asides be reduced below this point. However, neither should municipalities require substantially greater contributions from developers, as these costs will likely impact the affordability of new homes.



The standards for qualifies as park/open space land should also be carefully considered by the municipality. For example, stormwater management facilities are often entirely excluded from the definition of open space, when it may be appropriate for certain stormwater management facilities to qualify for inclusion as part of these set asides.

Road, Sidewalk, and Parking Area Standards

Roads, sidewalks, parking areas, and other impervious surfaces are necessary but costly improvements. In addition to the cost of installation, many of these improvements must be maintained by municipalities in perpetuity. The more surface area, the greater the need for stormwater management practices. And, the greater the volume of infrastructure per household, the greater the cost will be to both the taxpayers and the municipality to maintain and replace roads and sidewalks.

While it is crucial that this infrastructure safely serves the community and provides access for emergency and service vehicles, in many cases requirements can be reduced slightly. Municipalities can reduce the cost of all housing development by using the most efficient standards possible. A number of organizations in Pennsylvania and Lancaster County – including PennDOT, Builders for the Bay, and the Pennsylvania Housing Research Center – have researched and recommended requirements for standards such as street width, street length, cul-de-sacs, sidewalks, and many other topics. Municipalities should consult these standards for ways to both reduce the amount of infrastructure, impervious coverage, and potential for stormwater issues.

As much as possible, these standards should be based on demonstrated need. Parking requirements are the prime example of a requirement that frequently does not match up with demand, even though a variety of information to help anticipate need is available. The American Community Survey provides information on the number of vehicles per household which should allow municipalities to gauge actual demand for residential parking in the area. Additionally, local parking surveys can be very simple to carry out and can show even more specific information than is available through the Census. The average household in Lancaster County in 2010 had access to 1.8 vehicles – yet most zoning ordinances require at least two off-street parking spaces or more, in addition to visitor parking and any incidental on-street parking that might be available.

Plan Processing

Zoning uses in Pennsylvania are permitted either by right, special exception, or conditional use. Uses permitted by right are dealt with at the staff level of the municipality, while special exceptions are administered by the zoning hearing board and conditional uses are allowed or denied by the governing body. The type of approval process can strongly impact time and cost associated with obtaining municipal zoning approvals. Most plans will also need to go through the land development approval process as well, which is subject to the approval of the governing body (or planning commission, in some municipalities). Whatever process is ultimately used, there are several ways to improve the predictability of the outcome for the developer and the results for the municipality and local residents. When



considering any suggestion below, municipalities should be sure to adhere to due process and impartiality requirements.

- The municipality should have a clear vision for its future, including where growth should occur and how it should fit in with the rest of the community in terms of scale, shape, size, setback, etc. This vision should be shared by the governing body, staff, zoning hearing board, planning commission, and the public, subject to due process and impartiality requirements. Consensus should be built before a specific developer is even involved in the process. A charette or community visioning process can be used to engage the community and better understand their concerns about development, and then to articulate the desired outcome. Once this vision exists, developers will be better equipped to give the community the type of development it is seeking.
- The charette process can also be used once a developer is already involved. In this case, the developer should meet with staff, neighbors, planners, and other interested parties before submitting a design. The developer should then provide a concept sketch to the community as a baseline, which would include existing conditions such as topography and environmental constraints, utility locations, existing road network, stormwater issues, etc. and other relevant site features. Public input can be incorporated as the plan evolves into the final form.
- The developer should ensure that the application is complete and is provided well in advance of the initial hearing. The more detail the applicant can provide up front, the better.
- Municipalities can encourage complete applications by providing a checklist that clearly outlines essential elements, and provides clearer guidance on how each should be met.
- Municipalities can encourage better communication between developers and the community by purposely seeking out public input, and by recommending that neighbors and the community at large be notified of the filing of a sketch plan.

Additional Resources

Builders for the Bay: Center for Watershed Protection, Alliance for the Chesapeake Bay, and Building Industry Association of Lancaster County. “Recommended Model Development Principles for East Hempfield, West Hempfield, and Manor Townships, and Lancaster County.” November 2004 <<http://www.acb-online.org/pubs/projects/deliverables-78-2-2006.pdf>>.

Lancaster County Planning Commission. Lancaster County Smart Growth Toolbox. <www.co.lancaster.pa.us/toolbox>.

Pennsylvania Housing Research Center and the Hamer Center. “Pennsylvania Standards for Residential Site Development.” April 2007.

Pennsylvania Department of Transportation and New Jersey Transit. “Smart Transportation Guidebook.” March 2008 <<http://www.smart-transportation.com/assets/download/Smart%20Transportation%20Guidebook.pdf>>.

Urban Land Institute. *Shared Parking*. Second Edition, 2005.

U.S. Census Bureau American FactFinder. “American Community Survey 5-Year Estimates: Aggregate Vehicles by Tenure and Total Households Tables”. <www.census.gov>.

CHAPTER 7

Other Recommendations

County Level

1. Complete a Housing Market Study to help determine the best locations in Lancaster County for affordable housing. This study would consider the types of jobs and wages available in each municipality, transportation options, existing available housing price and quality, availability of services, and a variety of factors. In particular, this study would also help municipalities to determine a) if zoning incentives for affordable housing are advisable in their community and b) what type of affordable housing is most needed.

State Level

1. Pursue an amendment to the Municipalities Planning Code requiring municipal zoning ordinances (Article VI) to consider the same housing issues that must be considered as part of a comprehensive plan (Article III). Comprehensive plans are required, as per Section 301(a)(2.1), to provide:

“A plan to meet the housing needs of present residents and of those individuals and families anticipated to reside in the municipality, which may include conservation of presently sound housing, rehabilitation of housing in declining neighborhoods and the accommodation of expected new housing in different dwelling types and at appropriate densities for households of all income levels.”

No such requirement currently applies to zoning ordinances.

2. Consider an amendment to the Municipalities Planning Code to enable the waiver of specific fees for developments including a portion of affordable housing units, akin to existing language in Article 5-A related to impact fees. This section enables municipalities to “Provide a credit of up to 100% of the applicable impact fees for all new development and growth which constitute affordable housing to low- and moderate-income persons” [PA MPC §503-A(a)(5)(i).²¹]

²¹ Relevant definitions from MPC Section 502-A:

“Affordable,” with respect to the housing unit to be occupied by low- to moderate-income persons, monthly rents or monthly mortgage payments, including property taxes and insurance, that do not exceed 30% of that amount which represents 100% of the adjusted gross annual income for households within the metropolitan statistical area (MSA)...

“Low- to moderate-income persons,” one or more of natural persons or a family, the total annual adjusted gross household income in which is less than 100% of the median annual adjusted gross income for households in this Commonwealth or is less than 100% of the median annual adjusted gross income for households within the metropolitan statistical area (MSA)...

APPENDIX A

References for Determining Municipal Housing Needs

- › Lancaster County Planning Commission.
 - *Choices, the Housing Element of the Lancaster County Comprehensive Plan.*
<<http://www.co.lancaster.pa.us/Planning>>
 - ▶ Population and Household by Income and Cost Burden Projections
 - ▶ Housing Market Assessment
 - ▶ Planning Goals for Housing
- › Census Bureau. “Decennial Census and American Community Survey.” <www.census.gov>
 - Income
 - Housing Value
 - Monthly Housing Costs
 - Housing Cost Burden
 - Housing Type and Age
 - Tenure (Renter- or Homeowner-Occupied)
 - Household Size and Other Characteristics
- › U.S. Department of Housing and Urban Development (HUD).
<portal.hud.gov>
 - Fair Market Rents (county)
 - Regulatory Barriers Clearinghouse
 - Comprehensive Housing Affordability Strategy Data (CHAS).
- › Lancaster County Housing and Redevelopment Authorities.
<<http://www.lchra.com>>
 - Information on Fair Market Rents
 - Low/Moderate Income Census Tracts in Lancaster County
- › Lancaster County Association of Realtors (LCAR).
<<http://www.lcaronline.com>>
 - Average and Median Home Sale Prices
 - Number of Transactions
- › Lancaster County Office of Property Assessment. <http://www.co.lancaster.pa.us/lanco/cwp/view.asp?a=565&Q=262034&lanconav_GID=998>
 - Building Permit Data
 - Sales Transactions
- › National Low Income Housing Coalition (NLIHC). <www.nlihc.org>
 - Housing Wage (county)
 - Housing Cost by Bedrooms (county)
 - Jobs Needed to Afford Fair Market Rent (county)

- › Pennsylvania Center for Workforce Information and Analysis, Pennsylvania Department of Labor and Industry. <<http://www.paworkstats.state.pa.us/default.asp>>
 - Occupational Wage (county)
- › School Districts. Most school districts keep close tabs on local development and maintain their own housing unit projections.

APPENDIX B

Model Affordable Housing Incentive Ordinance Language

Section XXX.XX Affordable Housing Incentive²²

- A. Intent. To promote a diverse and adequate supply of housing opportunities in (municipality name), address the housing needs of all current and future residents, and provide greater choice in housing type, tenure, location, and price for a place to call home.
- (1) To increase the supply of affordable housing.
 - (2) To meet the housing needs of current and future low and moderate income residents in the community.
 - (3) To provide affordable housing in a variety of locations.
 - (4) To ensure that people who work in the community may also live in the community.
 - (5) To stabilize property values.
 - (6) To implement the housing goals and policies contained in the municipal and county comprehensive plans.
- B. For purposes of this section, an Affordable Dwelling Unit is defined as a dwelling that is:
- (1) Owner occupied, affordable to and sold to households with an income of equal to or less than 115% of the Lancaster County median income for households as determined by the U.S. Department of Housing and Urban Development, as adjusted for family size and updated annually, or
 - (2) Renter occupied, affordable to and leased to households with incomes equal to or less than 80% of the Lancaster County median income for households as determined by the U.S. Department of Housing and Urban Development, as adjusted for family size and updated annually.
- C. The following optional bonus regulations shall apply where authorized as a conditional use:
- (1) On-Site Provision of Affordable Dwelling Units
 - (a) Dwelling Unit Minimum Thresholds. If a development proposal includes 20 or more new dwelling units and includes a minimum of 10% of the total dwelling units that are to be sold

²² Intent section adapted from the following sources:

Lancaster County Planning Commission. *Choices, the Housing Element of the Lancaster County Comprehensive Plan*. April 2006 <www.co.lancaster.pa.us/planning>.

Lehigh Valley Planning Commission. "Inclusionary Zoning: Guide/Model Regulations." December 2008 <<http://www.lvpc.org/pdf/inclusionaryZoning.pdf>>.

West Lampeter Township. *Lancaster County Zoning Ordinance*. Section 285-34(S)(6). <<http://www.ecode360.com/WE2002>>.

or leased as affordable housing at base density, then a density bonus and building height bonus shall be allowed. Fractions shall be rounded down (ex: $5.7 = 5$).

(b) Bonus Provisions.

- [1] A density bonus shall result in an ability to build three (3) additional dwelling units for every affordable dwelling unit up to the maximum density allowed by Subsection _____. [By way of example: 25 acres x 4 units / acre base density = 100 dwelling units planned at base density x 0.10 = 10 affordable housing units x 3 = 30 bonus dwelling units or 30 / 100 for 30% increase and a total of 130 units.]
- [2] A building height bonus shall result in the ability to construct buildings to a maximum of _____ feet to enable not more than four (4) stories for habitation purposes.

(c) Additional Standards. To qualify for such bonuses the Applicant shall demonstrate to the Governing Body compliance with the following:

- [1] Affordable dwelling units shall only be sold or leased to individual(s) within a household meeting the definition in subsection A as their primary residence.
- [2] The restriction upon affordable housing shall continue for 15 years after each dwelling unit is initially occupied. The restriction upon the affordable housing shall apply at the time of the initial sale or lease of the dwelling units and any subsequent sale or lease of the dwelling units during the restriction period. The income determination shall be based upon the income of the inhabitants of the dwelling unit during the previous calendar year. This subsection shall not require a household to move out of an affordable dwelling unit because their income has increased.

(d) Design Requirements. The following design requirements shall apply.

- [1] Developments proposing greater than ten (10) affordable housing units shall not concentrate the affordable housing units in one location or in a separate portion of the development.
- [2] If affordable units of a certain housing type are provided, market rate units of that same housing type shall also be provided and integrated among the affordable housing units. Affordable housing units shall not be differentiated from market rate units by housing type.
- [3] In addition to complying with any architectural guidelines established for the overall development proposal, the façade of affordable housing dwellings shall be compatible in design, appearance, construction and quality of materials with similar market rate dwellings being proposed.

(e) Documentation and Administration. The applicant shall provide, as part of the application, documentation in recordable form as to how the affordable housing program shall be funded,

monitored, implemented and enforced and shall agree that the program conditions and requirements will be made a condition of approval. Applicants are encouraged to propose to involve a third-party organization in overseeing compliance with this section, with that organization responsible to certify ongoing compliance in writing to the Zoning Officer on an annual basis at a minimum.

- (2) Fee, Land, or Buildings in Lieu of Provision of Affordable Housing. As an alternative to the requirements of Section (C)(1) in lieu of construction of affordable housing within the proposed development and upon approval by the governing body, an applicant may contribute a fee, land and/or building(s), or a combination thereof. If approval of an alternative is granted, then a density bonus shall be allowed.
 - (a) Affordable Housing Bonus. Such density bonus shall result in an ability to construct up to 20% more dwelling units up to the maximum density allowed by Subsection _____. [By way of example: 25 acres x 4 units base density = 100 dwelling units x .20 = 20 additional dwelling units for a total of 120 units].
 - (b) Eligibility. To be eligible for this alternative, one or more of the following conditions must be met to the satisfaction of the governing body:
 - [1] The provision of affordable housing units within the proposed development in accordance with Section (C)(1) is not feasible due to economic considerations outside the control of the Applicant. Such economic considerations may include higher than expected cost of land, infrastructure (streets, utilities, sewer, water, etc.), and building materials. Such economic considerations shall take into account any density and height bonuses and financial assistance, or the lack thereof, from other public, non-profit or private sources for the provision of affordable housing.
 - (i) The governing body may require documentation demonstrating and supporting the claims made by the Applicant.
 - (ii) A lower than expected profit or rate of return for the entire development project shall not be considered an economic hardship.
 - [2] Within a mile radius in the municipality of the proposed development project, sufficient affordable housing opportunities already exist specifically for households defined in subsection A at the time of application submittal or are already approved to be constructed so as not to concentrate such housing in one area of the municipality. Applicant shall provide a market study for the proposed development that addresses housing types and prices to assist the Governing Body in evaluating this condition and making its decision.
 - (c) Fee in Lieu of. If approval is granted by the Governing Body for the contribution of a fee-in-lieu of construction of all or a portion of the affordable housing required for the incentive in subsection (C)(1):

- [1] The calculation of the fee shall be one percent (1%) of the median home sale price of market sales of single family and condominium residential homes in Lancaster County for the preceding calendar year as determined by the Lancaster County Association of Realtors multiplied by the total number of housing units proposed within the development after the density bonus has been applied. [By way of example: \$175,000 median home sale price x 0.01 x 125 total housing units = \$218,750 total contribution]
 - [2] Said contribution shall be made to the municipality or an established organization, approved by the municipality, whose mission includes the development of, or provides capital for the development of, affordable housing. In such case, the contribution shall be used to create or preserve affordable housing within the municipality.
 - [3] The contribution shall be paid in full prior to the issuance of the first building permit for the development.
- (d) Land and/or Buildings in Lieu of. At the sole discretion of the Governing Body, approval may be granted by the Governing Body for the contribution of land and/or building(s) in lieu of construction of affordable housing within the proposed development subject to the following requirements:
- [1] Such contribution shall be donated to the municipality or an established organization, approved by the municipality, whose mission includes the development of affordable housing.
 - [2] The contribution shall be used to create affordable housing within the municipality.
 - [3] Such contribution of land and/or buildings may be in combination with a fee-in-lieu of construction of affordable housing. The total fair market value of the contribution (land, building(s) and/or fee) must be at least equal to the amount of the contribution that would be required in subsection (C)(2)(c)(1).
 - [4] The method used by an applicant to determine the value of any contribution of land and/or building(s) must be acceptable to the Governing Body.
- (e) Documentation and Administration. An approval to provide a contribution of land, buildings and/or a fee-in-lieu of construction of affordable housing must be incorporated into a legally binding agreement acceptable to the governing body, which at a minimum shall include, but not be limited to:
- [1] Information detailing how the land, building(s) or fees will promote affordable housing.
 - [2] Provision to ensure that the goal of providing affordable housing is achieved.
 - [3] Assurances that affordable housing is provided in appropriate areas.
 - [4] A waiver by the applicant of any refund of the fees or a return of any land or building(s) contributed.

APPENDIX C

Uses Permitted by Right, Special Exception, and Conditional Use

Zoning uses may be approved by the municipality in one of three ways: they may be permitted by right, special exception, or conditionally. These approval processes are applicable only to the uses and related standards contained within the zoning ordinance. In contrast, subdivision and land development approvals may be obtained subsequent to zoning approvals, and typically follow a separate and unique process. Subdivision and land development approvals are granted by the governing body, or by the planning commission in municipalities that have delegated approval authority.

The following explanations are primarily from the *Municipalities Planning Code* and the document “Special Exceptions, Conditional Uses, and Variances” created by the Pennsylvania State Department of Community and Economic Development as part of its Planning Series.

Special Exceptions

The *Municipalities Planning Code*, Section 603(c)(1) indicates that zoning ordinances may contain:

“Provisions for special exceptions and variances administered by the zoning hearing board, which provisions shall be in accordance with this act.”

“Special Exceptions, Conditional Uses, and Variances” (pages 2–3) further describes special exceptions in the following way:

“A special exception is a permission or approval granted an applicant to use land in a district for a purpose other than that generally permitted outright in the district. The permission or special exception is granted by the zoning hearing board in accordance with the standards contained in the zoning ordinance, provided generally that the specific application of the use would not prove injurious to the public interest....

“It is important to realize that the term special exception is a misnomer. It is neither special nor is it an exception. It is not a deviation from the zoning ordinance. An applicant for a special exception is following the zoning ordinance. A special exception is a use envisioned by the ordinance, and, if the express standards and criteria established by the ordinance are met, the use is one permitted by the ordinance....

“The zoning hearing board...(has)...the opportunity to thoroughly examine the proposed land use or assure that the public interest is not violated and to attach any reasonable conditions or safeguards necessary to implement the purpose of the ordinance. If the use were permitted by right, the zoning officer would not have the opportunity to require any reasonable conditions and safeguards....

“The special exception (or conditional use) permit must be granted where there is compliance with the specific requirements set forth in the ordinance unless it can be shown that the approval is detrimental to public health, safety, or general welfare....

“An application for a special exception (or conditional use) should only be denied when adverse impact upon the public interest exceeds that which might be expected in normal circumstances. For instance, general arguments claiming anticipated traffic increases are insufficient to warrant a denial.”

Conditional Uses

The *Municipalities Planning Code*, Section 603(c)(2) indicates that zoning ordinances may contain:

“Provisions for conditional uses to be allowed or denied by the governing body after recommendations by the planning agency and hearing, pursuant to express standards and criteria set forth in the zoning ordinance. Notice of hearings on conditional uses shall be provided in accordance with section 908(1), and notice of the decision shall be provided in accordance with section 908(10). In allowing a conditional use, the governing body may attach such reasonable conditions and safeguards, other than those related to off-site transportation or road improvements, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of this act and the zoning ordinance.”

“Special Exceptions, Conditional Uses, and Variances” (pages 6–7) further describes conditional uses in the following way:

“A conditional use is nothing more than a special exception that falls within the jurisdiction of the governing body rather than the zoning hearing board. Conditional uses are optional; that is, conditional uses may be provided for in the zoning ordinance if desired. The governing body must adhere to the express standards and criteria set forth in the ordinance, or else the conditional use approval or denial could be overturned in court.

“Uses, which could be provided as conditional uses rather than as

special exceptions, are often those uses that could have a direct effect upon the lives of all persons within the community. Some examples of such land uses are airports, paper manufacturing plants, or landfills. Such uses would be specifically listed under the various districts, and to use land for any of these purposes a conditional use application would have to be filed. The governing body would then have the opportunity to thoroughly examine the proposal and to impose any reasonable safeguards necessary to implement the purposes of the ordinances and to protect the public's general welfare....

“The governing body must follow the MPC Article IX procedures which apply to the zoning hearing board and other administrative proceedings. Thus, in a conditional use hearing, the governing body should follow the basic hearing requirements outline in MPC Section 908 including the stenographic record requirement.

“The governing body is acting as a quasi-judicial body in a conditional use hearing and cannot advocate a particular position. In this situation, the planning commission could become a party to the hearing to testify before the governing body to promote a given viewpoint.”

By Right

Uses permitted by right are those that are permitted outright in a particular district. Such uses may be approved by the zoning officer if the application for the use meets all of the general requirements of the ordinance. Unlike special exception uses or conditional uses, no additional zoning approval from the zoning hearing board, governing body, or planning commission is necessary.

GLOSSARY OF TERMS AND ACRONYMS

The terms and definitions contained in this document are specific to the State of Pennsylvania and its regulations, specifically the *Pennsylvania Municipalities Planning Code*. To learn more about the terms, concepts, and processes described in this document, see the State of Pennsylvania website, <www.newpa.com/get-local-gov-support/publications>. Documents that might be particular use are contained in the Planning Series. The majority of the terms and definitions used in this section are from:

- › American Planning Association. “A Planner’s Dictionary.” Planning Advisory Service. Report Number 521/522. Available: <www.planning.org>.
- › Lancaster County Planning Commission.
 - *Balance, the Growth Management Element of the Lancaster County Comprehensive Plan*. April 2006 <www.co.lancaster.pa.us/planning>.
 - *Choices, the Housing Element of the Lancaster County Comprehensive Plan*. April 2006 <www.co.lancaster.pa.us/planning>.
- › Pennsylvania State. *Pennsylvania Municipalities Planning Code*. Act of 1968, P.L. 805, No. 247 as reenacted and amended. Twentieth Edition, July 2011. <http://www.newpa.com/webfm_send/1785>.
- › Pennsylvania State Department of Community and Economic Development (DCED). Planning Series. Numbers 1 – 10. <<http://www.newpa.org>>.
- › U.S. Census Bureau. <www.census.gov>.
- › U.S. Department of Housing and Urban Development (HUD). <<http://www.huduser.org/portal/datasets/il/il2012/2012MedCalc.odn>>.

Terms Defined

Affordable Housing.

- *General Definition:* A housing accommodation that costs the household no more than 30 percent of household income. *[Balance, the Growth Management Element of the Lancaster County Comprehensive Plan.]*
- *Ordinance Definition:* For the purposes of a zoning ordinance in which incentives are offered in exchange for the provision of affordable housing, affordable housing should be defined as housing that is affordable to households earning a certain percent of the area median income. This should be based on municipal or regional housing needs.

Area Median Income (AMI). For the purposes of this document, *AMI* refers to the median income used by the Department of Housing and Urban Development (HUD). This is a measure of median family income. HUD AMI estimates are computed in the following way:

Median family income calculations begin with the development of estimates of median family income for the metropolitan areas and non-metropolitan FMR/income limit areas. The major steps are as follows:

1. 2005–2009 5-year ACS estimates of median family income calculated for the areas used for FMRs and income limits are used as the basis for FY 2012. *Note:* Because of the timing of the release of FY 2012 data, there have been no changes in the ACS bases from FY 2011 to FY 2012.
2. In areas where the 2009 5-year ACS estimates are smaller than the reported margin of error, the state non-metro estimate of median family income is used.
3. In areas where there is also a valid 2009 1-year ACS estimate of median family income, a statistical comparison is made between the 5-year median family income and the 1-year median family income available from the ACS.
4. If the 1-year data are statistically different then

the 5-year data, HUD calculates an update factor between the 5-year data and the 1-year data and applies this to the 5-year data.

5. Once the appropriate 2009 ACS data has been selected, the data are set as of December 2010 using the December national CPI value divided by the 2009 National CPI value.
6. All estimates (using either 5-year data or 5-year data augmented with 1-year data) are then trended from December 2010 to April 2012 (1 ¼ year) with a trending factor of 3 percent per year. *[HUD]*

By Right. All zoning ordinances contain provisions for uses that are permitted *by right*. These are the basic uses that are permitted in the various zoning districts. [Pennsylvania State Department of Community and Economic Development, “Special Exceptions, Conditional Uses, and Variances.”]

Community Land Trust (CLT). A private non-profit community organization that safeguards land in order to provide affordable housing opportunities. CLTs buy and hold land permanently, preventing market factors from causing prices to rise. [Centre County Planning and Community Development Office, “Inclusionary Housing: Model Policies for Centre County.”]

Conditional Use (CU). A use permitted in a particular zoning district pursuant to the provisions in Article VI of the *Pennsylvania Municipalities Planning Code*. *[Pennsylvania Municipalities Planning Code, Article I, Section 107.]*

Cost Burden. *See Housing Cost Burden.*

Density. The number of housing units allocated per acre of land. *[Balance, the Growth Management Element of the Lancaster County Comprehensive Plan.]*

Designated Growth Area (DGA). A region described in a municipal or multi-municipal plan that has the following characteristics:

- It is appropriate for future development and includes Lancaster City, a borough, or a village as a core.
- Residential, mixed use, commercial, industrial, institutional development is permitted or planned for.
- Public infrastructure services are provided or planned for with sufficient capacity to carry the intended density and intensity of development.

Two types of DGAs have been established to date in Lancaster County: Urban Growth Areas and Village Growth Areas. The Urban Growth Area strategy focuses on Urban Growth Areas, while Village Growth Areas and other types of Rural Centers are addressed by the Rural Strategy. *[Balance, the Growth Management Element of the Lancaster County Comprehensive Plan.]*

Dwelling Units per Acre (DU/A). A measure of density. *See definition herein.*

Governing Body. The council in cities, boroughs, and incorporated towns; the board of commissioners in townships of the first class; the board of supervisors in townships of the second class; the board of commissioners in counties of the second through eighth class or as may be designated in the law provided for the form of government. *[Pennsylvania Municipalities Planning Code, Article I, Section 107.]*

Housing Cost Burden. A household that pays 30 percent or more of its monthly household income towards housing costs is described as being *housing cost burdened*, while a household that pays 50 percent or more is described as being *severely cost burdened*. *[HUD]*

Housing Costs. The term *housing costs*, as used by the U.S. Census Bureau, includes different items depending on tenure:

- **Selected Monthly Owner Costs.** Selected monthly owner costs are the sum of

payments for mortgages, deeds of trust, contracts to purchase, or similar debts on the property (including payments for the first mortgage, second mortgages, home equity loans, and other junior mortgages); real estate taxes; fire, hazard, and flood insurance on the property; utilities (electricity, gas, and water and sewer); and fuels (oil, coal, kerosene, wood, etc.). It also includes, where appropriate, the monthly condominium fee for condominiums (Question 13) and mobile home costs (Question 21) (installment loan payments, personal property taxes, site rent, registration fees, and license fees).

- **Gross Rent.** Gross rent is the contract rent plus the estimated average monthly cost of utilities (electricity, gas, and water and sewer) and fuels (oil, coal, kerosene, wood, etc.) if these are paid by the renter (or paid for the renter by someone else). Gross rent is intended to eliminate differentials that result from varying practices with respect to the inclusion of utilities and fuels as part of the rental payment. The estimated costs of water and sewer, and fuels are reported on a 12-month basis but are converted to monthly figures for the tabulations. Renter units occupied without payment of rent are shown separately as “No rent paid” in the tabulations. *[U.S. Census Bureau]*

Land Banking. The purchase of land by a local government for use or resale at a later date. Banked lands have been used for development of low- and moderate-income housing, expansion of parks, and development of industrial and commercial centers. *[A Planner's Dictionary, pg. 241.]*

Land Development. *Land Development* involves any of the following activities:

1. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (i) A group of two or more residential or nonresidential buildings, whether proposed

initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

- (ii) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
2. A subdivision of land.
3. Development in accordance with section 503(1.1) of the *Pennsylvania Municipalities Planning Code*. [*Pennsylvania Municipalities Planning Code*, Article I, Section 107 (*See also*: Article V).]

Land Trust. *See Community Land Trust.*

Low Income. Household income that does not exceed 80% of the median income for the area, as determined annually by HUD. [*Choices, the Housing Element of the Lancaster County Comprehensive Plan.*]

Moderate Income. A household whose income is between 81 and 116 percent of the median household income for the area. [*Choices, the Housing Element of the Lancaster County Comprehensive Plan.*]

Municipalities Planning Code (MPC). *The Municipalities Planning Code*, Act of 1968, P.L. 805, No. 247 (Twentieth Edition, July 2011), as reenacted and amended.

Neighborhood Design Option (NDO). In West Lampeter Township, the dwelling units, residential accessory uses, neighborhood center, open spaces, and nonresidential structures installed or to be installed upon a development approved under the neighborhood design option provisions of § 285-34 of the *Code of Ordinances*. [West Lampeter Township, Lancaster County, Pennsylvania. *Code of Ordinances*.]

Neighborhood Development. Refers to a development enabled under Article VII-A of the

Pennsylvania Municipalities Planning Code. *See also Traditional Neighborhood Development in this document.*

Net Acres. The amount of actual acreage that may be used for building lots after installation of streets and infrastructure. [*Balance, the Growth Management Element of the Lancaster County Comprehensive Plan.*]

Net Density. Net density is determined by dividing the aggregate number of residential units within property lines by the total number of acres within the same property lines. Because the land area measured is within residential property lines, all other lands such as streets, common open spaces, and utility rights-of-way are calculated from the acreage calculation. [*Balance, the Growth Management Element of the Lancaster County Comprehensive Plan.*]

Permitted By Right, Permitted Use. *See By Right.*

Planned Residential Development (PRD). An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage, and required open space to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning ordinance. [*Pennsylvania Municipalities Planning Code*, Article I, Section 107.] *See also Article VII.*

Severely Cost Burdened. *See Housing Cost Burden.*

Special Exception. A use permitted in a particular zoning district pursuant to the provisions of Articles VI and IX of the *Pennsylvania Municipalities Planning Code*. [*Pennsylvania Municipalities Planning Code*, Article I, Section 107.]

Subdivision. The division or redivision of a

lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

[*Pennsylvania Municipalities Planning Code*, Article I, Section 107 (also see: Article V).]

Subdivision and Land Development Ordinance (SLDO or SALDO). Ordinances that may be adopted by municipalities to regulate subdivision and land development plans. *See Subdivision and Land Development definitions herein.*

Traditional Neighborhood Development (TND). An area of land typically developed for a compatible mixture of residential units for various income levels and nonresidential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. Residences, shops, offices, workplaces, public buildings, and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other. Traditional neighborhood development is relatively compact and oriented toward pedestrian activity. It has an identifiable center and a discernible edge. The center of the neighborhood is in the form of a public park, commons, plaza, square or prominent intersection of two or more major streets. Generally, there is a hierarchy of streets laid out with an interconnected network of streets and blocks that provides multiple routes from origins to destinations and are appropriately designed to serve the needs of pedestrians and vehicles equally. [*Pennsylvania Municipalities Planning Code*, Article I, Section 107 (also see: Article VII-A).]

Zoning Hearing Board (ZHB). The primary purpose of such a board is to help assure fair and equitable application and administration of the

zoning ordinance by hearing appeals on the zoning officer's determinations and by granting relief from the literal enforcement of the ordinance in certain hardship situations. [Pennsylvania State Department of Community and Economic Development. "The Zoning Hearing Board." Planning Series #6. Tenth Edition, August 2001.]

Acronyms Identified

AMI Area Median Income

CLT Community Land Trust

CU Conditional Use

DGA Designated Growth Area

DU/A Dwelling Units per Acre

HUD U.S. Department of Housing and Urban Development

MPC Municipalities Planning Code

NDO Neighborhood Design Option

PRD Planned Residential Development

SALDO Subdivision and Land Development Ordinance

SE Special Exception

SLDO Subdivision and Land Development Ordinance

TND Traditional Neighborhood Development

ZHB Zoning Hearing Board

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