

**AN ORDINANCE**

**NO. 14-1284**

**AN ORDINANCE To Amend The Code Of The Township Of Upper Dublin, Chapter 255, Zoning, To Establish Age Qualified Residential Community As A Permitted Use Within The A Residential District And To Provide Specific Regulations Governing Development Of Same.**

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

**Section 1.** The Code of Upper Dublin Township, Chapter 255, Zoning, shall be amended by the addition of a new §255-43.2, to provide as follows:

In an A Residential District, in addition to the provisions at Section 255-43 above, Age Qualified Residential Community shall be a permitted use and the following regulations shall apply to that use:

- A. Any Age Qualified Residential Community shall require a minimum Developable Acreage, calculated pursuant to Section 255-43D of 35 acres.
- B. Lot, yard and bulk requirements.

<b>Regulation</b>	<b>Requirement</b>
Lot area (minimum)	6,000 square feet
Width at minimum setback line (minimum)	65 feet
Width at actual building setback line (minimum)	70 feet
Front yard (minimum)	20 feet
Side yard (minimum)	10 feet
Distance between dwellings – side to side	20 feet
Rear yard (minimum)	15 feet
Principal building height (maximum)	27 feet*
Accessory building	Not permitted

Lot building coverage (maximum)	50%
Lot impervious surface (maximum)	60%
Minimum setback of individual residential lot lines from adjoining residentially zoned property, measured from any lot line within Age Qualified Residential Community	50 feet
Minimum setback of individual residential lot lines within Age Qualified Residential Community from ultimate right-of-way line of abutting public roadways	75 feet

\* Height of building – the building’s vertical measurement from the first floor ground elevation (not basement) to a point midway between the highest and lowest points of the roof.

- C. Density. The maximum permitted density shall be 2.9 units per developable acre. (Total number of lots to be rounded up if fraction greater than 0.75 or down if 0.75 or less.)
- D. Open Space. A minimum of 20% of the developable acreage shall be retained as open space for use of the residents to include recreation, leisure activities, resource protection, stormwater management facilities and minimum setback areas from abutting properties or abutting ultimate road right-of-way. Open space areas having a dimension less than 30 feet in width or containing an individual area less than 20,000 square feet shall not be counted toward this minimum 20% requirement.
- E. The required setback areas on the perimeter of the site shall be utilized for a combination of landscape buffering, earthen berm buffering and stormwater management to effect a suitable screening of the Age Qualified Residential Community from abutting public road rights-of-way and to provide appropriate buffering between the Community and adjoining residential properties.
- F. Perpetual use guarantee:
  - (1) A property which has been developed to the special standards allowed for the Age Qualified Residential Community use shall not, at any time in the future, change from age-restricted use unless all of the standards for the other use are complied with.

- (2) An applicant for an Age Qualified Residential Community use shall provide at the time of final plan approval proof of deed restrictions or other documentation satisfactory to the Township Solicitor that limits the residential use of the property to one where the residents are restricted by age in compliance with the Federal Fair Housing Act.
- (3) Any homeowners association associated with an Age Qualified Residential Community use shall include in their bylaws provisions to restrict and enforce the restriction of residents by age in compliance with the Federal Fair Housing Act and the provisions of applicable Township regulations. Such provisions may not be amended unless approved by the Township.
- (4) Should the homeowners association fail to enforce the age restrictions, the Township reserves the right to do so by any lawful means, including the imposition of fines on the violating residents and/or the homeowners association.

**Section 2.** The Code of Upper Dublin Township, Chapter 255, Zoning, shall be amended by the addition of a new definition to §255-7 as follows:

- A. AGE QUALIFIED RESIDENTIAL COMMUNITY** – A Residential Community consisting of single family detached dwellings, each of which must qualify as Age Restricted Housing as defined in this Ordinance (**added 5-11-2004 by Ord. No. 1127**). Such development shall contain a community building with associated recreational amenities satisfactory to the Board of Commissioners for the size of the development, as well as perimeter buffering of the community from bordering roadways and adjoining residentially zoned tracts. The community building and amenities, as well as all buffer/setback areas and internal roadways, which shall be undedicated, to be managed and maintained by a duly formed non-profit corporation (Homeowners Association) the members of which shall be the owners of the individual housing units. Access/usage of any community building and associated amenities to be restricted to the owners and occupants of the individual housing units and accompanied guests. Such use must be in full compliance with the Federal Fair Housing Act, with the caveat that 100% of the detached dwelling units shall qualify as Age Restricted Housing.
- B. ACCESSORY USES** – Accessory uses to the Age Qualified Residential Community shall be specifically restricted to serve only residents of the Age Qualified Residential Community and their invited guests and shall be limited to the following:

- (1) A clubhouse consisting of activity rooms, craft rooms, lockers and shower room, library, physical therapy and fitness center, lounges, and similar facilities for members of the Age Qualified Residential Community and invited guests.
- (2) Recreational facilities such as a swimming pool, tennis courts, bocce courts, and shuffle board.
- (3) A guard station and/or mechanical entrance gate.

**Section 3. Special Design Considerations – Age Qualified Residential Community.** The following design criteria shall be applicable to an Age Qualified Residential Community, and shall supersede any conflicting provisions in other Township Ordinances, including the Township Subdivision and Land Development Ordinance:

- A. **Front Yard Setback.** Not more than two adjacent lots shall provide the same front yard setback for each dwelling unit. There shall be a minimum difference in front yard setback of five feet for compliance with this requirement. Front yard setback on the undedicated internal roadways shall be measured from face of curb if no sidewalk and back of sidewalk where sidewalk provided.
- B. **Corner Lots.** Each corner lot shall have one front yard, two side yards and one rear yard. The internal road parallel to the front of the dwelling unit shall determine the front yard.
- C. **Internal Pedestrian Circulation.** Sidewalk shall be provided on one side of all internal roadways, unless provision is made for a comprehensive internal trail system designed to standards acceptable to the Township. Any provision for trail in lieu of sidewalk to be approved in the discretion of the Board of Commissioners.
- D. **Internal Road Cartway.** Cartway width for all internal roadways shall be a minimum of 26 feet from face of curb to face of curb. All internal roadways shall be undedicated and shall be the maintenance responsibility of the Homeowners Associations.
- E. **Public Pedestrian Improvements.** An Age Qualified Residential Community shall provide sidewalk in accordance with Township Design Criteria along the perimeter of the development site bordering any public roadway. A macadam trail may be substituted in the discretion of the Board of Commissioners, at a width and along such perimeter areas as

shall be determined by the Board in furtherance of Township open space considerations and trail plans. Any such sidewalk and/or trail shall be within dedicated right-of-way or within an easement area established for the benefit of public usage.

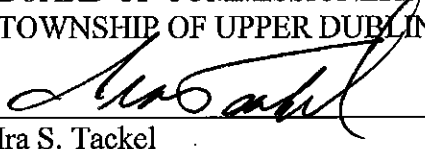
- F. **Private Road System.** All internal roadways are to be privately owned and maintained by the Homeowners Association for the Community. Access to and from bordering public roadways shall be established in a manner to prevent thru-public traffic. The Board of Commissioners may approve of a single point of access from an adjoining public roadway provided an acceptable emergency access to and from an abutting public roadway is provided. The primary access shall be designed in boulevard configuration with 20 foot wide cartways separated by an 8 foot center island, same extending to an appropriate point within the interior roadway system as determined in the discretion of the Board of Commissioners.
- G. **Trash Removal.** As all internal roadways are to be privately owned, the Homeowners Association shall have responsibility to provide for trash removal for the dwelling units and clubhouse amenity within the Community.

**Section 4.** The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

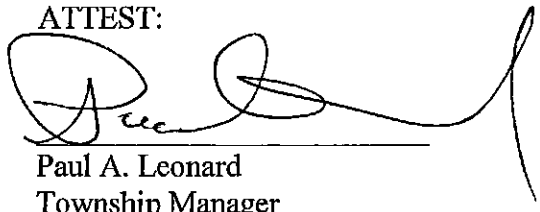
**Section 5.** This Ordinance shall take effect and be in force from and after its approval as required by law.

Enacted by the Board of Commissioners of Upper Dublin Township this <sup>11<sup>th</sup></sup> day of  
*March*, 2014.

BOARD OF COMMISSIONERS OF THE  
TOWNSHIP OF UPPER DUBLIN

  
Ira S. Tackel  
President

ATTEST:

  
Paul A. Leonard  
Township Manager