

DRAFT

TOWNSHIP OF WEST BRADFORD CHESTER COUNTY, PENNSYLVANIA

ORDINANCE 2007-06

AN ORDINANCE TO AMEND THE TOWNSHIP OF WEST BRADFORD ZONING ORDINANCE, SPECIFICALLY AMENDING CERTAIN SECTIONS OF ARTICLE 400 – RESIDENTIAL DISTRICTS

NOW THEREFORE, be it enacted and ordained by the Board of Supervisors of the Township of West Bradford, Chester County, Pennsylvania, as follows:

SECTION 1 – Add new §401.2.A.9 providing for Age-Restricted Community Development as a distinct use in the R-1 District.

SECTION 401 R-01- RESIDENTIAL DISTRICT

401.2 USES AND STRUCTURES

- A. Permitted
 - 9. Age-Restricted Community Development subject to the provisions of Article 409.

SECTION 2 - Add new §409 to provide specific standards for Age-Restricted Community Development.

ARTICLE 409 - ACD - AGE-RESTRICTED COMMUNITY DEVELOPMENT

409.1 INTENDED PURPOSE

The Age-Restricted Community Development (ACD) has been established to serve the following objectives, in addition to the overall objectives of this Ordinance:

- A. To recognize that developments housing older persons typically generate lower average rates of vehicle traffic, water usage and wastewater usage than other types of residential development, and less impacts upon the public school system, and a lower average number of residents per dwelling unit, and therefore, that a higher density is justified for this type of development than other types of residential development;
- B. To provide for residential developments that meet the growing needs of older persons, including the need for quality housing, fellowship,

- oversight, open space and recreation facilities;
- C. To encourage innovations in residential development so that growing demand for housing may be met by greater variety in type, design and layout of dwellings, and by conservation of open space within such a development in a manner that serves important public purposes;
 - D. To encourage flexibility in site planning which will respect and conserve natural resources, such as streams, ponds, riparian buffers, floodplains, groundwater, agricultural soils, steeply sloped areas, and areas of significant beauty or importance to the natural ecosystem; to seek to incorporate key scenic views into site designs;
 - E. To recognize that the impacts of higher density developments can be offset by substantial public improvements by a developer, the preservation of important open spaces, and careful site design; and
 - F. To maintain the scenic and natural character of West Bradford Township as viewed from scenic roads and trails.

409.2 QUALIFYING CONDITIONS

- A. An ACD shall only be permitted as follows:
 - 1. It shall only be permitted on a tract or tracts of land encompassing a minimum of 100 acres. Qualifying tracts need not be contiguous; however, the application must be in the name of all legal and equitable owners of all qualifying tracts in the ACD;
 - 2. If non-contiguous parcels are included in the proposed ACD development, there shall be a minimum of 100 contiguous acres containing all of the development improvements. Any non-contiguous ground shall be limited to use as ACD Open Space. For purposes of this section, tracts shall be considered contiguous if they have a common property line or if they are only separated by a street or right-of-way; and
 - 3. It shall be served by public sanitary sewage service and public water service acceptable to the Township.
- B. An ACD shall meet all requirements of this Zoning Chapter, except for those provisions that are specifically modified by this Article 409.
- C. Residents of an ACD shall be limited by deed, and by lease where applicable, to those residents permitted by the regulations of the United States Department of Housing & Urban Development (HUD Age 55 Restricted Community) for and age 55 and older restricted community. The applicant shall prove to the satisfaction of the Board of Supervisors that the restrictions governing the community make it a HUD Age 55 Restricted Community.

- D. The applicant shall prove to the satisfaction of the Board of Supervisors that an appropriate entity, such as a Homeowners Association, will have appropriate authority through deed restrictions or similar mechanisms to ensure compliance with the age limitations.

409.3 USES AND STRUCTURES

An ACD may include the following uses:

- A. Single-Family Detached dwellings;
- B. Single-Family Attached dwellings;
- C. Single-Family Semi-Detached dwellings;
- D. Multi-family dwellings, only when built in existing Historic Structure(s) in accordance with Section 802.1 5.
- E. Community center facility, clubhouse, swimming club and/or customarily accessory noncommercial recreation areas and community facilities exclusively serving residents of the ACD and their occasional invited guests;
- F. No Impact Home Based Businesses as set forth in Section 802.12-A; Home Occupations under Section 802.12 shall not be permitted;
- G. Open space uses and associated structures in conformance with applicable provisions of Section 409.4.B;
- H. Structures and uses owned and/or operated by West Bradford Township or an authority created by West Bradford Township;
- I. Public, private or community utilities as may be approved by the Township;
- J. Customary accessory uses such as satellite dish antennae less than three feet in diameter, hot tubs, decks and patios,
- K. Prohibited uses shall include household storage sheds and household swimming pools.

409.4 AREA AND BULK REQUIREMENTS

A. Density of Development

In an ACD, except where additional dwelling units are permitted in historic structures in accordance with the provisions of Section 802.15, the maximum permissible number of lots or dwelling units, including new and existing units, shall be calculated by multiplying the Net Tract Area of all qualifying tracts, regardless of contiguity, by 3.0 units per acre (Computations resulting in fractional numbers of units shall be rounded to the nearest whole number; fractions of one-half (0.5) or greater shall be rounded up).

The maximum number of units calculated under the provisions herein is not a guaranteed density and may not always be achievable while meeting requirements for minimum ACD Open Space and all other standards, criteria and regulations applicable to development of the entire tract.

B. ACD Open Space

1. ACD Open Space shall comprise no less than forty percent (40%) of the Gross Tract Area. Noncontiguous parcels may count towards minimum ACD Open Space provided that the parcel(s) shall be subject to conservation easements or other permanent restrictions satisfactory to the Township. All designated ACD Open Space shall comply with all standards and criteria below:
2. Standards for Designation and Use of ACD Open Space
 - a. Areas designated as ACD Open Space shall conform to the following conditions:
 - (1) A portion of the designated ACD Open Space, equal in area to no less than twenty-five percent (25%) of the required ACD Open Space area, shall exclude areas comprised of designated Flood Hazard Districts, wetlands, pre-existing slopes in excess of twenty percent (20%), stormwater management and sewage disposal facilities, and active recreational facilities, including ball fields and golf courses.
 - (2) No portion of the designated ACD Open Space shall be measured as contributing to the minimum required ACD Open Space area where:
 - (a) included within the right-of-way of any public or private street;
 - (b) within twenty-five (25) feet of any structure, except structures devoted to permitted open space uses;
 - (c) extending less than fifty (50) feet in the narrowest dimension at any point, except to provide for common or public recreational trail access.
 - b. Areas designated for ACD Open Space purposes may be used for any of the following:
 - (1) Crop or pasture land or other agricultural uses;
 - (2) Woodland, meadow, wetland, wildlife habitat, game preserve, or similar conservation-oriented area;

- (3) Public park or landscaped areas within a development as part of a unified development plan, or community garden areas;
 - (4) Land application of wastewater where the Board of Supervisors is satisfied that adequate provision(s) for the long-term management and maintenance of the wastewater system are guaranteed;
 - (5) Structures customarily accessory to permitted open space uses;
 - (6) Subsurface collection or conveyance for sanitary sewer, storm drainage, stormwater management and water supply facilities and other utilities and easements for same.
- c. Provisions for pedestrian pathways for general public use to create linked systems within the Township shall be required.
 - d. Access easements satisfactory to the Board of Supervisors for Township access for repair and maintenance of stormwater management and sanitary sewer facilities.
 - e. ACD Open Space can be utilized to meet the requirements of Section 527 of the West Bradford Township Subdivision & Land Development Ordinance, or any successor provisions.
 - f. Except to provide for permitted open space uses and for passive open space for the ACD, designated ACD Open Space shall be restricted from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the Township and duly recorded in the office of the Recorder of Deeds of Chester County.

C. Minimum Setback and Building Separation Standards

In an ACD, conventional lots are not required, but all structures shall comply with the following setback and separation standards:

1. Minimum separation between single-family detached dwellings at any point shall not be less than 15 feet, except that the minimum separation shall not be less than 32 feet measured perpendicularly from the rear wall of any single-family detached dwelling to any point on the side of any other structure not accessory to such dwelling. Minimum separation between single-family detached dwellings shall not be less than 40 feet when measured perpendicularly from the rear of one dwelling to the rear of any other structure not accessory to such dwelling.

2. Minimum separation between any principal structure other than a single-family detached dwelling and any other principal structure, at any point, shall not be less than 25 feet, except that the minimum separation shall not be less than 32 feet measured perpendicularly from the rear wall of any such principal structure to any point on the side of any other building not accessory to such principal structure. Minimum separation between any principal structures other than single-family detached dwellings shall not be less than 40 feet when measured perpendicularly from the rear of one dwelling to the rear of any other structure not accessory to such dwelling.
3. Minimum setback, from the edge of cartway, or the curb line, as applicable, along any internal drive which is a part of the ACD under application, shall not be less than 20 feet except where greater setbacks are required in proximity to the perimeter of the tract to be developed as an ACD.
4. All principal and accessory structures shall be situated so that they are set back a minimum of 50 feet from the pre-development perimeter boundary of the tract, including any boundary along a street or road. Structures existing prior to development of the ACD which shall be included within the ACD, whether or not converted from their pre-development use, shall be exempt from this requirement, as shall entry guard stations(s) where approved by the Township.
5. In submission of subdivision and/or land development plans, applicant shall indicate for each principal structure to be built within the ACD the maximum feasible building footprint which complies with the foregoing standards.
6. Attached porches, decks, hot tubs, patios, landscape walls, and similar structures may extend no more than 10 feet into any required setback or area of building separation, provided that in no case shall such extension be:
 - a. less than 10 feet from any other principal structure including any similar extensions attached thereto, nor
 - b. extended into the required 50-foot tract perimeter buffer, required as set forth in Section 409.4.C.4 above.
7. Fencing shall not be subject to the setback and building separation standards set forth above, provided that no fence shall be erected within five feet of any structure except where extending perpendicularly from a structure.

D. Maximum Impervious Surface Area

1. Total impervious surface area on the entirety of the tract or tracts

to be developed as an ACD (including noncontiguous parcels and other areas restricted as ACD Open Space, where permanent restrictions are satisfactory to the Township) shall not exceed a maximum of thirty-five percent (35%).

2. In submission of subdivision and/or land development plans, applicant shall indicate to what extent impervious surface area permitted as provided above shall be utilized in the development as proposed, and what additional impervious surface area may remain to be permitted at a future date. Where additional impervious surface area may be developed in the future, applicant shall indicate to which lots or uses it may be assigned or under whose authority such assignment may be made (e.g., homeowners association).

409.5 BUILDING HEIGHT REGULATIONS

The maximum building height shall be three (3) stories or thirty-five (35) feet, whichever is the lesser, provided that residential structures shall not exceed two (2) stories or thirty (30) feet, whichever is the lesser, except structures existing prior to development of the ACD.

409.6 OFF-STREET PARKING REGULATIONS

Off-street parking shall be provided in conformance with Section 808 In addition, the following shall apply to any ACD:

- A. The minimum parking requirements for a recreation/community building, clubhouse, or similar facility shall be four off-street parking spaces for every 1,000 square feet of interior floor area.

409.7 SIGN REGULATIONS

As provided for in Section 809.

409.8 DESIGN STANDARDS

A. Residential Design

1. The average size of all units shall not exceed 2,600 square feet of habitable floor area per dwelling unit, exclusive of garage or finished basement space.
2. A maximum of six single-family attached dwellings may be attached in any one residential structure.
3. Each single-family attached or single-family semi-detached dwelling shall have a minimum enclosed building width of 20 feet, except that such minimum width shall be increased to 28 feet if

one or more vehicle garages face onto the front of the dwelling.

4. The total area occupied by a driveway and vehicle parking area shall not exceed a maximum total 60% of the front yard of each dwelling.
5. No recreational vehicle or boat longer than 19 feet in length shall be stored for more than five consecutive days outdoors adjacent to any dwelling.

B. Landscaping

In addition to applicable provisions of Section 529 of the West Bradford Township Subdivision and Land Development Ordinance, the following shall apply to any ADC:

1. A unified landscape plan shall accompany land development plans submitted for the ACD and shall be implemented so as to include perimeter buffer and screening, trees along internal drives, focal point plantings, and general community landscaping other than foundation plantings for the homes. All landscaping shall be subject to perpetual care and maintenance by the Homeowners Association or other entity established for such purpose, as approved by the Township.
2. Substantial landscaping shall be provided around the entire outer perimeter of any ACD. Such landscaping shall include a buffer area with a minimum depth of 50 feet. A complete visual screen is not required, rather such landscaping and any berming shall be designed to have a naturalistic appearance with a mix of plant species intended to filter and soften views of new development from adjacent roads and homes, subject to approval by the Board of Supervisors.
3. The Board of Supervisors shall have the authority to reduce the extent of required landscape buffers to address specific portions of the site where unique topographic conditions minimize the visual impact of the development from the perimeter of the site.
4. Fencing that is mostly open (such as split-rail fencing) and is constructed of wood or materials with a similar appearance may be used to supplement the landscaping.
5. The required Landscape Plan shall include a unified plan for the management of all landscaped areas, and shall include organic approaches to lawn maintenance and all other vegetation management, minimizing use of fertilizers, herbicides and pesticides, in order to protect creeks and streams.
6. Landscape management provisions and documentation sufficient to guarantee implementation of the approved Landscape Plan shall apply throughout the ACD and shall be undertaken on behalf of

and enforced by a Homeowners Association (HOA). In approving HOA documents, the Board of Supervisors shall be satisfied that landscape management issues in this regard have adequately been addressed.

C. Pedestrian Circulation and Trails

1. Sidewalks shall be constructed along both sides of the cartway in front of all dwellings accessing internal drives in the ACD. Sidewalks shall not be required along internal drives where there are no dwellings accessing the internal drives, except as deemed necessary by the Township Engineer, to improve the overall pedestrian circulation of the community. Additional sidewalks may be required by the Township within open spaces to further improve overall pedestrian circulation. Sidewalks shall be a minimum of 4.5 feet wide constructed of plain cement concrete. Sidewalks shall be constructed contiguous with the curb line where vertical curb is used or a minimum of 2 feet, generally 3 feet, off the edge of an uncurbed cartway or the back of rolled curbs.
2. The Applicant will provide for a minimum 6-foot wide paved trail to allow for pedestrian access by the public where necessary to complete link(s) through or around the perimeter of the ACD consistent with Township trail planning and implementation efforts. Such public trail(s) shall not be required to interconnect with the sidewalk system internal to the ADC.

D. Supplementary Standards

1. The intent of the ACD recognizes that an ACD community is not designed or intended to be used as a typical one-acre lot residential development. It is understood that the compact character of an ACD may require employment of design standards that may be inconsistent with certain conventional requirements of the West Bradford Township Subdivision and Land Development Ordinance (SLDO). Accordingly, those sections of the SLDO which are in conflict with the intent of this ordinance and the character of an ACD community may be modified by the Board upon the presentation of sufficient documentation by the applicant that the design is consistent with the following, where relevant:
 - a. Vertical and horizontal geometry of internal accessways shall be designed to permit safe vehicle access and appropriate design for this type of community. Except at intersections, a minimum centerline horizontal curve radii shall be 50 feet.
 - b. Internal accessways shall have a minimum width of 20 feet with vertical or rolled curbs, subject to the review and

approval by the Township Engineer.

- c. All internal improvements will be privately owned and maintained by a Homeowners Association, excepting public water and, to the extent required by the Township, sanitary sewer and storm sewer, subject to Township approval of all documentation to assure maintenance and provide financial resources to fund that maintenance.
- d. The vertical and horizontal geometry and alignment of accessways shall be designed to permit safe emergency vehicular access and shall be subject to the approval of the Township Engineer.
- e. Where any buildings and structures encroach into any required Clear Sight Triangle area, appropriate intersection sign controls shall be used. In all cases, safe sight distance will be required.
- f. Cuts and fills exceeding seven (7) feet from existing grade elevations shall be permitted in the context of an overall grading plan suitable to the Township Engineer.
- g. In context of an overall grading and stormwater management plans, the following will be used for guidance in design:
 - (1) The 3:1 length to width ratio for retention wet basins can be modified with Township Engineer approval.
 - (2) Discharge points, retention basins and their appurtenances, detention basins and their appurtenances, storm sewer outfalls, and BMP's shall not be subject to ordinance setback requirements and shall be designed to not cause erosive conditions at the property line. (804.10.P) (804.11.K) (804.14.Z).
 - (3) Storm pipes shall be extended to storm basins, if used, or, if practical, to a point of at least 100 feet beyond any home site. (804.14.T).
- h. The applicant shall design, implement and maintain the BMP's to meet State Water Quality requirements. The issuance of a National Pollution Discharge Elimination System (NPDES) Permit for Discharges Associated with Construction Activities shall be deemed proof of compliance with that requirement as well as the requirements of any Township Ordinances.

SECTION 3 - If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, section or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

*Enacted this ____ day of _____, 2007 by the Board of Supervisors
of the Township of West Bradford.*

ATTEST:

**TOWNSHIP OF WEST BRADFORD
BOARD OF SUPERVISORS**

Jack M. Hines, Jr.
Secretary

Bruce W. Laverty, Chairman

Mark J. Blair, Vice Chairman

John A. Haiko, Member