

ORDINANCE NO: 239

AN ORDINANCE OF THE TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA, AMENDING CHAPTER XXXII ENTITLED "ZONING" OF THE TOWNSHIP OF AMITY CODE OF ORDINANCES, TO ESTABLISH A DEFINITION FOR TRANSITIONAL-AGE DEVELOPMENT; TO PROVIDE FOR TRANSITIONAL-AGE DEVELOPMENTS WITHIN THE MDR-MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT AS A CONDITIONAL USE; AND TO ESTABLISH REGULATIONS FOR THE DEVELOPMENT OF TRANSITIONAL-AGE DEVELOPMENTS

WHEREAS, the Board of Supervisors of the Township of Amity desires to amend Chapter XXXII, entitled "Zoning" of the Township of Amity Code of Ordinances; and

WHEREAS, zoning amendments are authorized by Section 609 of the Pennsylvania Municipalities Planning Code, as amended and Section 1107 of Chapter XXXII, entitled "Zoning" of the Township of Amity Code of Ordinances.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Amity, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority as aforesaid as follows:

SECTION 1. Section 202, entitled "Specific Terms", of Part 2, entitled "Definitions", of Chapter XXXII, entitled "Zoning", of the Township of Amity Code of Ordinances is hereby amended by adding thereto the following new definition:

**(ccc) Condominium. Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, created under either the Pennsylvania Unit Property Act of July 3, 1963, or the Pennsylvania Uniform Condominium Act.**

**"(ffffff) Transitional-Age Development. A unified planned residential development providing a unique and innovative approach for housing and community development for families as well as persons over fifty-five (55) years of age with at least fifty percent (50%) of the residences being occupied by residents one of whom shall be over fifty-five (55) years of age and who do not have children or dependents residing with them on a permanent basis in accordance with the provisions of Sections 403(c)(9) and 952 of this Chapter."**

SECTION 2. Section 202, entitled "Specific Terms", of Part 2, entitled "Definitions", of Chapter XXXII, entitled "Zoning", of the Township of Amity Code of

Ordinances is hereby amended by relettering the current definitions of (ccc) through (ddddd) to be (ddd) through (eeeeee) and by relettering the current definitions of (eeeeee) through (qqqqqq) to be (gggggg) through (rrrrrr).

SECTION 3. Subsection (c), entitled "Uses Permitted by Conditional Use", of Section 403, entitled "MDR - Medium Density Residential District", of Part 4, entitled "Zoning District Regulations", of Chapter XXXII, entitled "Zoning", of the Township of Amity Code of Ordinances is hereby amended by adding thereto the following new paragraph:

"(9) Transitional-Age Development and their accessory uses, subject to the provisions of Section 951 of this Chapter."

SECTION 4. Part 9, entitled "Supplementary Regulations", of Chapter XXXII, entitled "Zoning, of the Township of Amity Code of Ordinances is hereby amended by adding thereto the following new Section:

"Section 951. Transitional-Age Development Community"

(a) The purpose of this Section of this Chapter is to provide standards for transitional-age developments, containing single-family detached residences, semi-detached residences, townhouses, condominiums and their accessory uses. The objectives of these provisions are outlined as follows:

(1) To provide a unique approach for housing and community development with provisions to permit more efficient utilization of land and of community facilities and services.

(2) To encourage innovative residential land development that will conserve open space and protect environmentally sensitive areas.

(3) To efficiently utilize undeveloped land area within Amity Township, while providing unique housing opportunities for families as well as persons over fifty-five (55) years of age.

(4) To implement the recommendations concerning natural features, development, utilities, transportation, housing and land use, as outlined within the Comprehensive Plan.

(b) Transitional-age communities containing residential lots or units, as permitted under this section and further defined under Section 202 of this Chapter, are permitted by conditional use within the MDR-Medium Density Residential Zoning District.

(c) All transitional-age communities shall be designed in accordance with the following general design and eligibility requirements:

(1) The minimum amount of land in the development shall be one hundred (100) contiguous acres. Contiguous land area shall be defined as a parcel of land that is owned under a single deed or parcels of land that are owned under multiple deeds, provided that the parcels of land are contiguous to each other having common deed boundaries and are not physically separated by parcels of land owned by other individuals or parties.

(2) All of the uses contained within the transitional-age development shall be served by public sanitary sewage disposal facilities and public water supply facilities. As part of the conditional use application, the applicant shall provide evidence that there are sufficient sewer and water capacities to service the development.

(3) A minimum of fifty percent (50%) of the gross area of the transitional-age community shall be set aside as common open space. The area designated as common open space shall comply with all provisions of this Section of this Chapter and none other.

(i) No more than fifty percent (50%) of the required common open space shall be located on lands within the Environmental Protection Overlay District (Part 5 of this Chapter).

(ii) The common open space shall not include areas that have been devoted to roads but may include utility easements.

(iii) No more than fifteen percent (15%) of the required common open space shall include areas devoted to stormwater management facilities.

(iv) Significant natural features shall be incorporated into the overall schematic of the design of the common open space whenever possible.

(v) While no standards shall exist as to the size and boundaries of the common open space areas, care should be taken to design common open space in a manner that the open space areas shall be meaningful and available to the residents of the transitional-age development.

(vi) A community Center, if built for either part of the development shall be counted as common open space.

(vii) For all common open space, satisfactory written agreement approved by the Township Solicitor shall be consummated for the perpetual preservation of the common open space.

a) The developer of the transitional-age development shall have made arrangements, provisions, and/or agreements to insure that the common open space shall continue to be adequately managed and maintained.

b) The developer of the transitional-age development shall insure the ownership, management and maintenance of the common open space by either dedicating the land to a homeowners' association or dedicating the land to the Township which shall have the option to accept or refuse the land offer for dedication. If the common open space is dedicated to a homeowners' association, the developer shall file with the Township and the Recorder of Deeds of Berks County a declaration which will govern the association. The open space shall be deed restricted against further development.

(4) Subject to the provisions of Paragraph 5 below, the maximum permitted residential density for transitional-age development shall be three (3) dwelling units per acre. The area to be utilized and calculated for development density shall not include lands within the Environmental Protection Overlay District (Part 5 of this Chapter).

(5) A density bonus of one-quarter (.25) dwelling units per acre may be added to the residential density requirement set forth in Paragraph 4 above for each design objective as contained in Section 6 hereof achieved as part of the conditional use application and land development/subdivision approval process. The maximum permitted density bonus shall not exceed two and three quarters (2.75) dwelling units per acre. As part of the conditional use application and/or land development/subdivision approval process, the Supervisors shall consider and may grant a density bonus of one quarter (.25) dwelling units per acre for attainment of each of the following design standards and objectives contained in Section 6 hereof.

(6) The developer shall be entitled to a density bonus of one quarter (.25) dwelling units per acre for each full ten percent (10%) of additional age restricted housing that is provided above the base of fifty percent (50%) provided that the developer also simultaneously selects one of the following five features which must be coupled with the additional ten percent (10%) age restriction. This process may be repeated to achieve a maximum permitted density of no more than 5.75 dwelling units per acre.

(i) The application provides for preservation of buildings and/or structures located on the site which in the opinion of the Township are historic or have historical or architectural significance - one quarter (.25) dwelling unit per acre density bonus. A maximum of ten (10) acres associated with the historic or architectural significance site shall be considered in open space calculations for the development upon either a deed restriction on the sites development rights or a transfer of the sites' development rights to the Berks County Conservancy or equivalent organization.

(ii) The application provides for passive recreation, educational, agricultural or ecological opportunities that are considered schematically planned or integrated with other passive recreation areas - one quarter (.25) dwelling unit per acre density bonus.

(iii) The application provides for a community center of at least twenty-five hundred (2,500) square feet constructed by the developer upon the development for use only by the residents of the age-restricted portion of the development - one quarter (.25) dwelling unit per acre density bonus.

(iv) The application provides for unique or enhanced architectural values including utilizing natural products for the building face (brick, stone or masonry products) and rooflines (masonry, gable or hip roof designs) on the entire community - one half (.50) dwelling unit per acre density bonus.

(v) In the sole discretion of the Board of Supervisors, if the application provides for other features to the development that significantly contribute to the enhancement of the development - one quarter (.25) dwelling unit per acre density bonus.

(d) Each of the following maximum and minimum dimensional requirements shall apply to single-family detached residences and townhouses within a transitional-age development. In the case of a condominium form of

ownership where there are no individual lots, the standards shall be applied to the overall lot.

Minimum Regulations	Single Family Detached	Single Family Semi-detached	Townhouses
Lot Area	7500 square feet	5000 square feet	2000 square ft
Lot Width	50 feet	50 feet	20 feet
Building setback from curb	20 feet	20 feet	20 feet
Rear Yard	20 feet	20 feet	25 feet
Side Yard (each)	7.5 feet	7.5 feet	30 feet
			(building to building)
Maximum Regulations	Single Family Detached	Single Family Semi-detached	Townhouses
Building Height	35 feet	35 feet	35 feet
Lot coverage	50 percent	50 percent	75 percent

If a zero lot line development is proposed, the area around each building shall be counted toward the common open space.

(e) Each application for a transitional-age development shall provide the following:

(1) A fifty feet (50') buffer set back along the perimeter of the parent tract; and

(2) A collector road which does not provide direct access to any unit in the development.

(f) Signage for a transitional-age development shall be of an announcement and directional nature and shall be approved by the Supervisors as part of the conditional use application.

(g) The provisions of Section 952 for transitional-age development relating to design and eligibility shall control and take precedence over any other section of this Chapter dealing with similar subject matter."

SECTION 5. 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, sections or parts of this Ordinance. It is hereby declared as the intent

of the Board of Supervisors of the Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included therein.

SECTION 6. Any and all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 7. This Ordinance shall become effective five (5) days following the date of adoption.

SECTION 8. The Code of Ordinances, as amended, of the Township of Amity, Berks County, Pennsylvania, shall be and remain unchanged and in full effect except as amended, supplemented and/or modified by this Ordinance. This Ordinance shall become a part of the Code of Ordinances, as amended, of the Township of Amity, Berks County, Pennsylvania, upon adoption.

DULY ENACTED AND ORDAINED into law this 21 day of August 2007 by the Board of Supervisors of the Township of Amity, Berks County, Pennsylvania.

TOWNSHIP OF AMITY  
BOARD OF SUPERVISORS

Leslie S. Sacks  
Leslie S. Sacks, Chairman

Richard L. Gokey

Kim Finkbiner  
~~Joseph Karpinski~~ Kim Finkbiner

Kim McGrath  
Kim McGrath

Scott Stepp

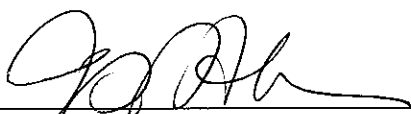
ATTEST:

Joanne Sowers-Smith  
Joanne Sowers-Smith, Secretary  
(SEAL)

MUNICIPAL CERTIFICATION

I, Joanne Sowers-Smith, Secretary of the TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA, do hereby certify that the foregoing Ordinance No. 239 was advertised in the Reading Eagle/Times, a daily newspaper of general circulation in the Township of Amity, on July 24, 2007, and was duly enacted and approved as set forth at a Regular Meeting of the Board of Supervisors held on 8/21, 2007.

(SEAL)

  
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Joanne Sowers-Smith, Secretary

Date: August 21, 2007