Chapter 27. Zoning

Part 29. AQ Age-Qualified Overlay District (Proposed Zoning Amendment)

§27-2901 Definition of terms.
All terms shall be interpreted as provided in Part 2 §27-202, Language Interpretations and Definitions, of this chapter, unless such term is defined herein, in which case such term shall be interpreted as follows:

A. Age-Qualified Development.
   A development and/or redevelopment of existing buildings and properties for age-restricted, independent living, residential units and ancillary retail and personal service uses.

B. Active Adult/Senior Community Center.
   A facility located within an age-qualified development and maintained, principally as a multiple-purpose gathering place for residents of the age-qualified community and their guests with a limited portion thereof available to the general public.

§27-2902 Purpose.
1. Recognize that active adult/senior citizen have different housing needs and respond to changes in lifestyle for active adults.

2. Provide for a greater variety of housing and to serve the needs of senior citizens who prefer an independent residential environment and do not require intensive individual care.

3. Encourage more efficient use of land and preserve open space suitable for the enjoyment and active and passive recreation of the community's residents.

4. Allow flexibility in street design to reduce impervious coverage and promote traffic calming and public safety.

5. Allow certain areas of the Township as identified in the 2018 East Vincent Comprehensive report to have increased density through the acquisition of TDR’s if Age Restricted Development is being proposed for the parcels.

6. Allow creative preservation or reuse of existing Historic Resources and structures.
§27-2903 **Eligibility and “Master Development Plan”.**

1. **A.** Eligibility. In order to be eligible for an Age-Qualified development the following criteria should be met:

   (1) Base zoning. The development tract shall be located in the Low-Density Residential District (LR) Zoning District only. Individual tax parcels shall not be allowed to be combined to qualify for the minimum gross acreage in this District.

   (2) Any parcel that is applying to be eligible for the AQ Overlay District must also be shown on the Future Development Plan Map #9 referenced in the East Vincent Township Comprehensive Plan. This classification and map identify individual parcels as being labeled Residential Infill.

   (3) Tract area. The minimum gross tract area is 60 Gross Acres.

   (4) Proximity to Public Utilities. The AQ development tract must be located within 1000 feet of Existing Sanitary Sewer and Public Water facilities. AQ Community must be served by Public Water and Public Sewer. The eligible parcel must be identified on Community Facility Plan Map #13 as referenced in the East Vincent Township Comprehensive Plan. This classification and map identify individual parcels as being labeled “Planned Developments to be serviced by VCWWTP.

   (5) Where a tract proposed for AQ development consists of more than one parcel and more than one owner, the application shall be signed by all owners who shall join in the overall plan for AQ development.

   (6) Transfer of Development Rights (TDR). AQ Development tract must obtain a minimum of 20% of their proposed density via the acquisition of TDR’s as stated in the Zoning Ordinance Part 24, and as stated in Paragraph 5 herein. The Sending Zone must be located in the RC Sending Zone.

1. **B.** “Master Development Plan”.

    (1) Upon conditional use approval by the Township Board of Supervisors of a “Master Development Plan” (““Master Development Plan””), the uses and design criteria proposed in the “Master Development Plan” shall be the uses and design criteria permitted and required for the development of the subject tract. Any material change in uses or design criteria shall require a modification of the Conditional Use Approval.

    (2) Preliminary and final subdivision and land development plans submitted for the approved “Master Development Plan” shall be substantially in accordance
with “Master Plan” design specifications submitted and approved as part of the project.

(3) The “Master Development Plan” tract may be subdivided for separate ownership or lease, but only if the subdivision does not interfere with the development or use of the “Master Development Plan” tract in accordance with the project.

§27-2904 Permitted uses.
In the AQ Age-Qualified District, a building or structure may be erected, altered, or used and a lot or premises may be used or occupied for the following purposes and no other:

1. Residential uses:

   A. A single-family detached dwellings

   B. Two Family dwelling, a building containing two dwelling units, a twin unit only.

   C. Bus shelters and/or gatehouses as accessory uses for the exclusive use of the residents.

   D. No-impact home-based businesses shall be permitted by right, except that such permission shall not supersede any deed restrictions, covenant, or agreement restricting the use of land nor any master deed, bylaw or other document applicable to a common interest ownership community.

   E. Open space.

   F. Active Adult/Senior Community Center.

   G. Maintenance and security facilities.

§27-2905 Performance Standards.
The following density, area, and yard regulations shall apply in the AQ Age-Qualified Overlay District:

1. Density. The maximum overall density for single-family lots shall be 3.5 dwelling units per acre of the gross tract area, only acreage in the LR District can be used as a basis for density calculations. A single dwelling unit located within a senior clubhouse for an on-site manager or caretaker shall not be counted toward the maximum density permitted on the tract. The maximum permissible density will include the increased density as referenced in §27-2905 Part (5).

   A. Unit Mix. In an Age Qualified Development at least 15% of the total number of units/lots proposed shall be two family dwellings(twins).
2. Minimum lot size.
   A. For single-family detached dwellings, there shall be a minimum lot area of 5,500 square feet per dwelling.
   
   B. For two-family dwelling, there shall be a minimum of 2500 square feet per dwelling unit for individual lots. However, individual fee simple lots are not required, provided the equivalent Area using the dimensional standards outlined below are provided around the Twin buildings.

3. Dimensional standards.
   A. For single-family detached dwellings:
      1. Lot width at the building line: 50 feet.
      3. Minimum side yards: five feet minimum, 10 feet aggregate.
      4. Minimum rear yard: 20 feet, 10 feet for building projections, decks, patios, unenclosed porches, screened porches, chimneys, and bay windows.
      5. Building coverage: 55% for individual lots only
      6. Impervious cover limitations: 70% for individual lots only
      8. Minimum distance for buildings from internal streets and/or parking areas 15 feet

   B. For Two family dwelling (Twin):
      1. Minimum width: 28 feet.
      3. Distance between buildings:
         a. Rear to rear: 40 feet.
         b. Rear to side: 25 feet.
         c. Side to side: 15 feet.
      4. Building coverage: 70% for the total area devoted to two family dwelling development.
      5. Impervious cover limitations: 85% for the total area devoted to two family dwelling development.

   C. For the active adult/senior community center:
      1. Maximum height: 35 feet.
      2. Minimum distance from residential lot line: 40 feet.
      5. Minimum Distance for Accessory Structures: Minimum setback from internal streets and/or parking areas 15 feet
Parking requirements 1 space per 350 square feet of usable community center space.

D. An “Historic Estate lot” may be established for an existing historic dwelling in the AQ Age-Qualified Overlay District and shall be restricted from further subdivision by covenant. The Historic Estate Lot size shall be large enough to encompass all existing Historic structures currently constructed on the property. The existing historic dwelling on an estate lot shall not be counted toward the maximum density permitted on the tract and shall meet the following standards:

1. Minimum lot size: two acres.
2. Maximum developed area: one acre. (Setbacks apply to the developed area of the lot.)
3. Lot width at the building line: 100 feet.
4. Minimum front yard: 40 feet, unless the existing dwelling has frontage on an existing road.
5. Side yard: 25 feet minimum; 60 feet aggregate.
6. Maximum building coverage: 15%. (for new structures only)
8. Up to 75% of the undeveloped portion of the estate lot may be counted toward open space. The amount counted towards meeting the minimum open space requirement shall not exceed four acres.
9. An estate lot may be excluded from the declaration of AQ Age Qualifying development.

E. A bus shelter or gatehouse may be located no less than 30 feet from a tract boundary. The maximum height shall be 15 feet.

F. Perimeter Setback required for all homes/units: 50 feet from all neighboring property lines.

G. Environmental Requirements:

1. Riparian Buffer setback required: 50 feet
2. Unnamed Tributary setback required: 50 feet
3. Stream setback required: 100 feet

4. Open space.

A. Open space may include natural features and areas dedicated to active and passive recreational uses, including green space surrounding the community center. Open space may also include areas for public recreation, areas required for road realignment and future rights-of-way, stormwater management facilities, and community center buildings which are provided for active and passive indoor recreational uses. The open space shall be located and designed
To meet one or more of the following goals and shall meet the ownership and maintenance requirements of this chapter:

1. To preserve land identified for preservation in the Township's Comprehensive Plan and/or Township's Parks, Recreation and Open Space Plan.
2. To preserve woodlands, stream corridors, wetlands, steep slopes, and scenic views.
3. To enhance the attractiveness and livability of the proposed neighborhood.
4. To provide buffers from existing roads and from abutting properties.
5. To provide buffers for existing Historic structures.
6. To serve other purposes as determined by the Board of Supervisors.

B. Minimum amount of open space. At least 30% of the gross tract area shall be designated open space.

1. The minimum required open space shall not include the private yard space of single-family detached dwellings.
2. The Estate Lot and Estate Lot grounds can be counted towards minimum open space, less any amount devoted towards existing buildings.

C. An AQ development shall include a swimming pool and two other active recreation uses. The Board of Supervisors may allow a substitution for the swimming pool where appropriate. Active recreation uses include:

1. Tennis court.
2. Shuffle board.
3. Volleyball.
4. Golf putting green.
5. Lawn bowling/bocce.
6. Horseshoes.
7. Swimming pool.
8. Table game/activity area.
9. Pickle Ball.
10. Similar active outdoor activities.

D. Neighborhood open space areas.

1. The neighborhood open space area shall be suitable for active or passive recreation activities, as appropriate. Each neighborhood open space area shall be placed in a suitable location for the subdivision or neighborhood it serves and shall be easily and conveniently accessible by sidewalk or trail from every home in the subdivision or neighborhood it serves. All portions of neighborhood open space areas, except for those areas under paving, water, and recreational structures, shall be landscaped with trees, shrubs, ground cover or grass.
5. Transfer of Development Right Requirements
   A. TDR From Sending area.
      (1) Sending area tracts of land shall be located within the AP or RC Zoning Districts.
         a. At the time of severance of the development rights from the sending area tract at least 50% must be restricted from future development.
         b. The portion of the sending area which will not be restricted shall be usable for the exercise of the retained development rights under the use, area, dimensional, and performance of the applicable standards of this chapter.
      (2) Calculation of Transfer of Development Rights
         a. The Total number of development rights to be severed from a sending area tract shall be determined by multiplying the gross tract area by 0.51, subtracting from such product the number of retained development rights. Products resulting in fractions of one half may be rounded up.
      (3) TDR to Receiving area.
         a. Conventional residential TDR transfer.
            1. Increase in permitted density as per Section 27-2903 (1) is allowed, subject to Conditional Use Approval. Received rights used for development of Age Restricted Single-Family detached dwellings may be converted from purchased sending rights at a rate of 2 dwelling units per (1) TDR from the Sending Zone.

6. Active adult/Senior community center.
   A. All age-qualified developments shall include an active adult/senior community center with a minimum of 2,500 square feet of gross floor space. The community center shall accommodate rooms and facilities for use of the community's residents and guests, and to a limited extent the general public. The center shall include, at a minimum, a fitness center, kitchen, and community room/lounge. The center may also include locker rooms, meeting and/or recreation rooms, card room, billiard room, professional offices, personal service uses, multi-purpose rooms, dining area, a swimming pool (indoor or outdoor), administrative and/or management offices, storage, or similar amenities; and may include a single dwelling unit to be occupied by the facility caretaker. Trash and refuse should either be stored inside the building or within an opaque screened area which shall be at least six feet high. This screened area shall be located in the side or rear yards of the property. Substantial completion of the community center shall occur at or before 50% occupancy in the AQ development.

7. Trails and sidewalks.
   A. Trails.
(1) Trails shall be required and generally consistent with the Township’s open space and recreation plan update.

B. Sidewalks.
   (1) Sidewalks shall be provided on both sides of all interior public and private streets to provide safe and convenient pedestrian access to all lots/units in the AQ Community.
   (2) Sidewalks shall be a minimum of four feet wide and separated from the paved cart way by a minimum two-foot-wide grass strip.

C. In general, all lands not utilized to provide for permitted impervious cover shall be left in their natural state or landscaped with appropriate vegetation or other suitable landscape material. Streetscape, landscaping and pedestrian amenities shall be provided as reasonably related to the intensity of the proposed development. The AQ Community development shall be landscaped as required in §22-435 of the East Vincent Subdivision and Land Development Ordinance (Chapter 22).

8 Street design.
Flexibility in street design is encouraged to reduce impervious coverage and promote traffic calming and public safety. Internal roadway street design for AQ developments shall be 24 feet wide. All streets shall be owned and maintained by the community association(s) to be created for governance of the community, and unless specifically approved by the Board of Supervisors as part of the Conditional Use Approval, will not be dedicated to the Township as public thoroughfares.
   (1) Private streets, minimum centerline radius may be 50 feet, provided the posted speed limit is 25 miles per hour or less.
   (2) Private driveways may be located 3 feet from interior lot lines for all units other than townhouse dwellings, and 8 feet from the edge of paving of intersecting streets and alleys interior to the development. Private driveways shall be 50 feet from the edge of paving of intersections with existing streets.
   (3) Private streets minimum curb radii may be 10 feet.
   (4) Clear Site Triangles shall be 50 feet from the centerline of the intersecting internal private streets.

9 Parking. Age-Qualified development parking shall be provided on the basis of 2.5 parking spaces per dwelling unit. Parking spaces in private garages, driveways, and off-street parking areas, and on street spaces may count towards the minimum parking requirements. Parking for the active adult/senior clubhouse shall be provided at one space per 200 square feet of gross floor area required. The parking requirement is based on the total density of the Development being provided.

10. Impervious surface coverage. (For the Total Development Tract Area)
In order to accommodate the larger building footprints needed for Age-Qualified housing, total impervious surface cover shall not exceed 45 percent of the gross tract area.

11. Occupancy and declaration of age restriction.
At the time of subdivision and land development, as a prerequisite to any final plan approved, the developer shall record a declaration against the entire tract, in a form acceptable to the Township Solicitor, binding all residential properties and owners to the restriction which shall require that all units be restricted as to the age of the occupants in conformance with the regulations of the Federal Fair Housing Act, as amended, and that individuals under the age of 18 years of age shall not reside in that unit for more than three months in any calendar year.

12. Architectural style and design standards.
The proposed architectural style and use of building materials in an age-qualified development shall be compatible with the regional character. Residential units shall utilize at least three of the following architectural treatments on their elevations, and the community center shall utilize at least three:

(1) Masonry (excluding flat concrete block).
(2) Concrete or masonry plinth or water table at the base of the wall.
(3) Belt courses of a different texture or color.
(4) Nested gable or turned gable with different texture or color.
(5) Keystones or dentils.
(6) Projecting cornice.
(7) Quoining.
(8) Standing seam metal or wood shake roof element.
(9) Dormers.
(10) Artwork.
(11) Decorative tile work or medallions.
(12) Shutters.
(13) Bay window or projecting bays.
(14) Vertical articulation (including columns).
(15) Portico or porch on front or side of building.
(16) Chimney.
(17) Carriage-style garage doors, garage doors with windows or separate doors for each parking space.
(18) Feature windows (including elliptical, transom, arched or other).
(19) Other architectural design features at the Township’s discretion.

A. The location, style, size, and lighting of major signs in an age-qualified development shall be coordinated with the proposed architectural style, using compatible colors and materials.

B. Clubhouse/community center signs.
   (1) Freestanding:
[a] Maximum sign area: 30 square feet per side.
[b] Maximum sign height: eight feet per side.
[c] Illumination: internal/external.

(2) Monument:
[a] Maximum sign area: 50 square feet (not counting base) per side.
[b] Maximum sign height: five feet (not counting base) per side.
[c] Illumination: internal/external.

(3) Parallel wall:
[a] Maximum sign area: one square foot per two feet of facade length.
[b] Maximum sign height: not to exceed eave line or top of parapet wall.
[c] Illumination: external.

C. Lighting.
(1) Traditional-appearing light standards, not to exceed 18 feet in height measured from the top of the fixture to grade. Street lights shall be architecturally compatible with the style, materials, colors and details of the buildings. Street lighting along PennDOT roads shall comply with PennDOT or PECO requirements, as required.

A traffic study shall be submitted by the applicant with the Conditional Use Application submission.

15. Common elements.
The maintenance of common elements of an age-qualified development shall be guaranteed by a suitable homeowners' association approved by the Township and shall be filed with the Recorder of Deeds of Chester County simultaneously with the recording of the final plot of the subdivision.

Phasing of an age-qualified development shall be permitted and shall be shown on the “Master Plan” as referenced in Eligibility and “Master Development Plan”. The phasing plan shall be approved by the Board of Supervisors.

§27-2906 Plan Submission Requirements.
An applicant for Conditional Use Approval of an AQ development shall provide information specified in §27-2902 of this chapter and shall include the following information in the application:

A. “Master Development Plan”. The base site plan for the master development plan shall be drawn at a scale of not less than 1-inch equals 100 feet and shall contain information sufficient to assess the design and impact of future development of the tract including, but not limited to, the following:
(1) The location and type of land use proposed within the tract and the total building area being proposed, represented by total square footage of buildings and approximate location of residential units.

(2) The general vehicular and nonvehicular circulations pattern for the entire tract, including points of access to the tract and location, dimensions, and right-of-way of the major road networks that will service the tract.

(3) The Water, Sewer and Stormwater Management. The source of and general methods by which water shall be supplied, sewage shall be treated and disposed, and the feasibility of stormwater management will show it could comply with the requirements of the Subdivision and Land Development Ordinance (Chapter 22), with the Preliminary Plan Land Development Approval process.

(4) A chart or other tabulation demonstrating compliance with the applicable development standards of the AQ Age-Qualified Overlay District.

B. Accompanying data. The following documentation shall accompany the plan and be made part of the Conditional Use Application:

(1) Conceptual renderings depicting potential building facades for the units, and community center.

(2) A narrative generally describing proposed covenants, restrictions and development standards for the property proposed for development.

C. Procedure. The following procedure shall apply to the review of applications for Conditional Use Approval in the AQ Age-Qualified Overlay District:

(1) “Master Plan”. The “Master Plan” shall be submitted to the Township, reviewed by the Township Planning Commission, and referred to the Board of Supervisors for a Conditional Use decision thereon;

   [a] The Board of Supervisors may:

      [1] Grant Conditional Use approval of the plan as submitted.
      [2] Grant Conditional Use approval of the plan subject to specified conditions not included in the plan as submitted.
      [3] Deny Conditional Use approval of the plan with citation to the statute or ordinance relied upon to deny the plan.

   [b] Review and decisions on the “Master Plan” shall be in the time and manner prescribed by Section 508 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10508, for preliminary and final applications, except that the ninety-day period referenced within which a decision must be rendered.

   [c] From the time an application for “Master Plan” approval is filed, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision, or other governing ordinance shall affect the decision on such application adversely to the applicant, and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was filed. In addition, when a “Master Plan” has been
approved, the applicant shall be entitled to preliminary/final approval in accordance with the terms of the “Master Plan” approval.

[1] The “Master Plan” Approval will provide the applicant with Vested rights to proceed to Preliminary/Final Plan Approval. The applicant or any successor to the applicant for all or any portion of the development plan shall have a vested right to proceed according to the approved “Master Plan” and no subsequent change or amendment to the Township Zoning or Subdivision and Land Development Ordinance nor to any other governing ordinance, regulation, or plan shall be applied to affect adversely the right of the applicant or any successor to commence and complete any aspect of the approved “Master Plan” for a period of 10 years from the date of approval of the “Master Plan”.

[2] Preliminary /final plans. Following approval of the “Master Plan” by the Board of Supervisors, the applicant shall be required to submit preliminary / final subdivision and land development plans (or at the applicant’s option, a combined preliminary/final subdivision and land development plan of the tract, or portion thereof, intended for development) to the Township pursuant to the Subdivision and Land Development Ordinance of East Vincent Township and the Pennsylvania Municipalities Planning Code.

d] Where the Board of Supervisors has approved development plans in the AQ Age-Qualified Overlay District for a tract meeting the requirements stated herein, individual units, buildings, or parcels of land within the approved AQ Age-Qualified Overlay District development may be subdivided, leased, purchased, sold, mortgaged, and developed as individual zero lot line units or individual parcels containing multiple units without meeting the development standards of §27-2906; provided, however, that the development plan for the entire tract shall at all times remain compliant with the tract development standards applicable to the AQ Age-Qualified Overlay District.

e] Amendment of “Master Development Plan” Application.

[1] Once the “Master Development Plan” is approved, permits may be issued only pursuant to approved land development plans which are generally consistent with the approved “Master Development Plan”.

[2] An approved “Master Development Plan” may only be amended by a subsequent conditional use application requesting such amendment.

D. Conflicts: If any conflict should arise between this AQ Overlay District and the underlying zoning district, the Open Space design ordinance, and/or the TDR ordinances this AQ Overlay District shall prevail.