

**WILLISTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1 of 2022

AN ORDINANCE AMENDING CHAPTER 139 (“ZONING”) ARTICLE XV (“I RESTRICTED INDUSTRIAL DISTRICTS”) OF THE CODE OF ORDINANCES OF WILLISTOWN TOWNSHIP TO ADD NEW SECTION 139-76 (“AGE RESTRICTED APARTMENT DEVELOPMENT”) TO PERMIT AGE RESTRICTED RESIDENTIAL APARTMENT DEVELOPMENTS BY CONDITIONAL USE IN THE I RESTRICTED INDUSTRIAL DISTRICT. EFFECTIVE FIVE DAYS FROM ENACTMENT.

BE IT AND IT IS HEREBY ENACTED by the Board of Supervisors of Willistown Township, Chester County, as follows:

SECTION I. – Amendment to the Code

The Code of the Township of Willistown, Chapter 139 thereof, being the Willistown Township Zoning Ordinance, Article XV, I Restricted Industrial Districts, is hereby amended by adding the following language:

§ 139-75.2 Age Restricted Apartment Development Option

- A. Purpose. The purpose of the Age Restricted Apartment Development (“ARAD”) option is to provide seniors with a downsizing housing option that offers independent living with indoor and outdoor amenity spaces within the Township.
- B. Conditional Use and Use Regulations. Under the ARAD option, and when authorized by the Board of Supervisors, an age-restricted apartment complex, consisting of one or more buildings shall be permitted by conditional use in the I Restricted Industrial District subject to the following conditions:
 - 1. Minimum tract size: 7 acres.
 - 2. An ARAD shall have a density of no more than 20 residential units per acre.
 - 3. An ARAD shall comply with the criteria set forth in §139-75.1 (“Conditional uses”).
 - 4. An ARAD shall comply with the criteria set forth in §139-75 (“Area, height and special design regulations”) except as expressly modified by this Section 139-76.

5. An ARAD shall be age qualified with a minimum age qualification of 55 years old, subject to compliance with Federal Fair Housing standards and regulations related thereto.
 6. Stormwater management facilities for an ARAD must be designed to capture and treat stormwater runoff from 125% of the impervious coverage of the proposed development. An ARAD shall adhere to all other requirements contained in Chapter 73, Environmental Protection, Article VIII, Stormwater Management.
 7. A minimum of 25% of the overall net tract area upon which an ARAD is proposed shall be permanently preserved as “Open Space” pursuant to § 139-108 of this Zoning Ordinance, to the satisfaction of the Township. Such Open Space must not be encumbered by stormwater management facilities constructed in connection with the development; provided, however, that the Township may, at its option, construct additional stormwater management facilities in the Open Space if the Open Space has been dedicated to the Township.
 8. An ARAD shall contain one indoor amenity space, or a combination of indoor amenity spaces, acceptable to the Board of Supervisors, such as a multi-purpose room open to the residents of an ARAD, having a total capacity, as determined by the fire marshal, to accommodate at least 1 person per proposed residential unit.
 9. An ARAD shall contain at least one outdoor amenity space for the benefit of the residents of an ARAD, acceptable to the Board of Supervisors, shall be provided. Such amenities may include, but are not limited to a walking trail, pocket park, or an open pergola or like structure capable of accommodating at least 10 people.
- C. Municipal Boundaries. In the event that a parcel or tract of land for a proposed ARAD crosses a municipal boundary, some or all of the ARAD improvements may be constructed in the adjoining municipality, provided at least 25% of the net tract area within Willistown Township is permanently preserved as “Open Space” pursuant to § 139-108 of this Zoning Ordinance. This section shall not be construed as any adjoining municipality granting approval to construct improvements therein.

SECTION II. Severability

The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision hereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the 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 of Supervisors that this Ordinance would have been adopted even if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

SECTION III. – Failure to Enforce not a Waiver

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION IV. – Effective Date

This Ordinance shall take effect and be in force five days after enactment.

SECTION V. – Repealer

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

ENACTED and ORDAINED this ____ day of _____, 2022.

**BOARD OF SUPERVISORS
WILLISTOWN TOWNSHIP**

William R. Shoemaker, Chairman

Robert T. Lange, Vice Chairman

Molly H.B. Perrin, Member

ATTEST:

Sally Slook, Secretary