

ORDINANCE
NO. 210 of 2008

An ordinance to amend the Southwestern Berks County Zoning Ordinance to add a new Article IV-A AQHOD, Age Qualified Housing Overlay District to provide for specialized development opportunities for persons and households with at least one occupant Fifty-Five (55) Years of age or older in accordance with the provisions of the Federal Fair Housing Amendments Act of 1988, to recognize the benefits for this housing option for the large percentage of Berks County residents who potentially qualify for such a housing option; to provide Development Standards for various dwelling types which may be constructed as part of a development utilizing this housing option; to provide that any more restrictive code section, or Federal or State statute or regulation shall apply to the AQHOD; and to amend the Zoning Map provided for in the Southwestern Berks County Zoning Ordinance by allowing certain lands in the A-1 and I-1 zoning districts to be designated AQHOD, Age Qualified Housing Overlay Districts.

SECTION 1. Section 201 of the Southwestern Berks County Zoning Ordinance shall be amended to add the following definitions:

Section 201. Definitions

Age Qualified Housing Development: A residential development located on a single lot (or two contiguous lots, not separated by a road, which are proposed to be merged as a single lot); planned, developed and operated according to a unified plan under the direction of a single owner or an agent for the owner (i.e., a homeowner's association); comprised of a variety of types of dwelling units; the permanent residency of which is limited by covenant to occupants aged 55 years or older with the exception of: a) a spouse under 55 years old if married to a resident 55 years or older; b) the handicapped dependents of a resident who is 55 years or older regardless of age; and c) a child over 18 years of age who is not enrolled in a secondary level school.

Carriage Flat: A dwelling unit within a building containing three (3) or more dwelling units and being vertically arranged, sharing outside access and having one (1) or more walls as well as a ceiling and/or floor in common with another dwelling unit.

