

**WORCESTER TOWNSHIP
BOARD OF SUPERVISORS**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO: 2010 – 224

**"Age Qualified Residential Community District
(AQRC District) Ordinance"**

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF WORCESTER TOWNSHIP, CHAPTER 150 (ZONING), ARTICLE III (TERMINOLOGY), SECTION 150-9 (DEFINITIONS) TO REVISE THE DEFINITION OF "AGE QUALIFIED RESIDENTIAL COMMUNITY"; TO AMEND ARTICLE XXC (AQRC AGE QUALIFIED RESIDENTIAL COMMUNITY), SECTION 150-146.16 (UNIT OCCUPANCY) TO REVISE PARAGRAPH "A" TO PERMIT UP TO TWENTY PERCENT (20%) OF THE TOTAL DWELLING UNITS TO BE OCCUPIED ON A PERMANENT BASIS BY NOT MORE THAN FOUR (4) PERSONS, AT LEAST ONE (1) OF WHICH SHALL BE FORTY-FIVE (45) YEARS OF AGE OR OLDER; AND TO AMEND SECTION 150-146.17 (DECLARATION OF AGE RESTRICTION) TO REQUIRE THE RECORDING OF A DECLARATION CONSISTENT WITH THE OCCUPANCY REQUIREMENTS CONTAINED IN SECTION 150-146.16 AND FURTHER REQUIRING THAT THE DECLARANT DEMONSTRATE COMPLIANCE WITH THE CODE OF FEDERAL REGULATIONS, TITLE 24: HOUSING AND URBAN DEVELOPMENT PART 100 – DISCRIMINATORY CONDUCT UNDER THE FAIR HOUSING ACT.

The Board of Supervisors of Worcester Township does hereby **ENACT** and **ORDAIN**:

SECTION 1. Amendment to the Code.

The Codified Ordinances of Worcester Township, Chapter 150 (Zoning), Article III (Terminology), Section 150-9 (Definitions) is amended by deleting the definition "Age Qualified Residential Community", and in its place substituting the following:

"AGE QUALIFIED RESIDENTIAL COMMUNITY" - A residential community consisting of single family detached and/or townhouse dwellings in which at least eighty percent (80%) of the occupied units shall be occupied by no more than four (4) persons,

at least one (1) of whom shall be fifty-five (55) years of age or older, and up to twenty percent (20%) of the occupied units may be occupied by no more than four (4) persons, at least one (1) of whom shall be forty-five (45) years of age or older, and which has published and does adhere to policies and procedures that demonstrate its intent to qualify for exemption under the federal Fair Housing Act. No persons under the age of nineteen (19) shall occupy a dwelling, except the child of a resident during summer months or during holidays.

SECTION 2. Amendment to the Code.

The Codified Ordinances of Worcester Township, Chapter 150 (Zoning), Article XXC (AQRC Age Qualified Residential Community), Section 150-146.16 (Unit Occupancy) is amended by deleting Paragraph "A", and in its place substituting the following:

No more than four (4) persons shall occupy a dwelling, at least one (1) of whom shall be fifty-five (55) years of age or older, with the exception that up to twenty percent (20%) of the occupied units may be occupied by not more than four (4) persons, at least one (1) of whom shall be forty-five (45) years of age or older. No persons under the age nineteen (19) shall occupy any dwelling, except the child of a resident during summer months or during holidays.

SECTION 3. Amendment to the Code.

The Codified Ordinances of Worcester Township, Chapter 150 (Zoning), Article XXC (AQRC Age Qualified Residential Community), Section 150-146.17 (Declaration of Age Restriction) is amended by deleting Section 150-146.17, and in its place substituting the following:

At the time of subdivision and land development, as a prerequisite to the recording of any final plan approved, the developer shall record a Declaration against the entire tract, in a form acceptable to the Township, binding all properties and owners to the definition of Age Qualified Residential Community set forth in Article III hereof, and the occupancy requirements set forth in Section 150-146.16 hereof. Further, the Declarant shall demonstrate the intent to operate as housing designed for persons who are fifty-five (55) years of age or older, by complying with Section 100.306, as amended, and Section 100.307 concerning verification of occupancy, set forth in the Code of Federal Regulations, at Title

24: Housing and Urban Development Part 100 - Discriminatory
Conduct under the Fair Housing Act.

SECTION 4. Repealer.

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

SECTION 5. Severability.

The provisions of this Ordinance are intended to be 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 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 6. 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 7. Effective Date.

This Ordinance shall take effect and be in force from and after its approval as required by the law.

(Signature page follows)

ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township,
Montgomery County, Pennsylvania, this 7th day of August, 2010.

WORCESTER TOWNSHIP

By: *Arthur C. Bustard*
ARTHUR C. BUSTARD, Chairman
Board of Supervisors

By: *Susan G. Caughlan*
SUSAN G. CAUGHLAN, Vice Chair
Board of Supervisors

By: *Stephen C. Quigley*
STEPHEN C. QUIGLEY, Member
Board of Supervisors

NOTICE

NOTICE is hereby given that the Board of Supervisors of Worcester Township, at its public meeting on August 18th 2010, at 7:30 p.m. at the Worcester Township Community Hall, 1031 Valley Forge Road, Fairview Village, Worcester, Pennsylvania, will hold a public hearing on and could vote to adopt an Ordinance entitled "Age Qualified Residential Community District (AQRC District) Ordinance" amending the Codified Ordinances of Worcester Township, Chapter 150 (Zoning), Article III (Terminology), Section 150-9 (Definitions) to revise the definition of "Age Qualified Residential Community"; to amend Article XXC (AQRC Age Qualified Residential Community), Section 150-146.16 (Unit Occupancy) to revise paragraph "A" to permit up to twenty percent (20%) of the total dwelling units to be occupied on a permanent basis by not more than four (4) persons, at least one (1) of which shall be forty-five (45) years of age or older; and to amend Section 150-146.17 (Declaration of Age Restriction) to require the recording of a Declaration consistent with the occupancy requirements contained in Section 150-146.16 and further requiring that the Declarant demonstrate compliance with the Code of Federal Regulations, Title 24: Housing and Urban Development Part 100 – Discriminatory Conduct under the Fair Housing Act.

Copies of the full text of the proposed ordinance are available for examination during normal business hours at the offices of *The Times Herald*, 410 Markley Street, Norristown, Pennsylvania 19404, the Montgomery County Law Library, Court House, Norristown, Pennsylvania and the Worcester Township Building, 1421 Valley Forge Road, Worcester, Pennsylvania 19490 where a copy of the proposed ordinance may also be obtained for a charge not greater than the cost thereof.

JAMES J. GARRITY, ESQUIRE
ANDREW R. FREIMUTH, ESQUIRE
WISLER PEARLSTINE, LLP
Solicitors for Worcester Township