

BEFORE THE UPPER UWCHLAN TOWNSHIP BOARD OF SUPERVISORS, CHESTER
COUNTY, PENNSYLVANIA

IN RE: Application of McKee-Milford Associates LP to Amend the Upper Uwchlan Township
Zoning Ordinance

**PETITION TO AMEND THE UPPER UWCHLAN TOWNSHIP
ZONING ORDINANCE**

Petitioner, McKee-Milford Associates LP, by and through its counsel, Riley Riper Hollin & Colagreco, hereby petitions the Board of Supervisors of Upper Uwchlan Township to amend the Flexible/Open Space Development Option regulations of the Upper Uwchlan Township Zoning Ordinance, as amended (“Zoning Ordinance”), to provide for Active Adult Community as a permitted use in the F-1 Flexible Development Overlay District, and in support thereof avers as follows:

1. McKee-Milford Associates LP (“Applicant”) is the equitable owner of the parcel of land located in Upper Uwchlan Township (“Township”) located north of the Pennsylvania Turnpike and east of Milford Road and identified by Chester County Tax Parcel No. 32-3-16 (“Property”). Robert W. Fetters, Jr. and Patricia A. Fetters are the legal owners of the Property.

2. The Property is currently located in the R-2 Residential District and the F-1 Flexible Development Overlay District pursuant to the Zoning Ordinance and the Upper Uwchlan Township Zoning Map (“Zoning Map”).

3. Petitioner has filed this Petition to amend the Flexible/Open Space Development Option regulations of the Zoning Ordinance to provide for Active Adult Community as a permitted use in the F-1 Flexible Development Overlay District and to provide for permissible density and bonus density regulations applicable to Active Adult Community in the F-1 Flexible Development Overlay District.

4. Active Adult Community is not a use currently provided for in the Zoning Ordinance.

5. The requested amendment to the Flexible/Open Space Development Option regulations is consistent with the purpose of those regulations as set forth in Section 200-72.A of the Zoning Ordinance for the following reasons:

a. The proposed amendment is consistent with the purpose of providing “an opportunity for flexibility in lot designs and building arrangement not afforded by conventional lot-by-lot development” (§ 200-72.A.(1));

b. The proposed amendment is consistent with the purpose of providing “for a more varied, innovative, and efficient development pattern” (§ 200-72.A.(2)); and

c. The proposed bonus density regulations are linked to implementation of public sewage disposal system improvements, which is consistent with the purpose of enabling “efficient and cost-effective provision of community facilities, including sewer and water services” (§ 200-72.A.(7)).

6. The Property is designated as Suburban/Site Responsive in the Future Land Use Map (Map 3) of the 2014 Upper Uwchlan Township Comprehensive Plan (“Plan”).

7. The requested amendment to the Flexible/Open Space Development Option regulations is consistent with the Property’s Suburban/Site Responsive designation for the following reasons:

a. The proposed bonus density regulations are linked to implementation of public sewage disposal system improvements as recommended by the Plan for properties categorized as Suburban/Site Responsive (Plan, pp. 149);

b. The Plan recommends for properties designated as Suburban/Site Responsive that net densities within any given development “be allowed to vary in response to market forces and the particular characteristics of the site and its surroundings” (Plan, pp. 149); and

c. The Plan’s goals for properties categorized as Suburban/Site Responsive include encouraging “development of a variety of dwelling unit types” including “retirement units” (Plan, pp. 149).

8. The requested amendment gives “consideration to the character of the municipality, the needs of the citizens and the suitabilities and special nature” of the Property. 53 P.S. § 10603(a).

9. Accordingly, Applicant requests that the Township Board of Supervisors amend the Flexible/Open Space Development Option regulations of the Zoning Ordinance to provide for Active Adult Community as a permitted use in the F-1 Flexible Development Overlay District and to provide for permissible density and bonus density regulations applicable to Active Adult Community in accordance with a proposed text amendment included herewith as Exhibit “A”.

WHEREFORE, Applicant, McKee-Milford Associates LP, hereby requests that the Upper Uwchlan Township Board of Supervisors amend the Upper Uwchlan Township Zoning Ordinance to provide for Active Adult Community as a permitted use in the F-1 Flexible Development Overlay District.

Respectfully submitted,

Date: 6/1/14

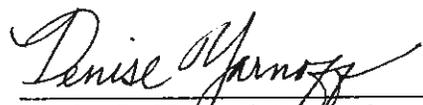

Denise R. Yarnoff, Counsel to the Applicant,
McKee-Milford Associates LP

EXHIBIT "A"

**UPPER UWCHLAN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

AN ORDINANCE OF UPPER UWCHLAN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE ZONING ORDINANCE OF UPPER UWCHLAN TOWNSHIP AS AMENDED, BY AMENDING § 200-72 (ENTITLED “FLEXIBLE/OPEN SPACE DEVELOPMENT OPTION”) TO ADD A NEW PERMITTED USE IN THE F-1 FLEXIBLE DEVELOPMENT OVERLAY DISTRICT TO PROVIDE FOR ACTIVE ADULT COMMUNITY

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Upper Uwchlan Township, Chester County, and it is ordained and enacted by the authority of same, as follows:

SECTION I. ZONING TEXT AMENDMENTS. The Zoning Ordinance of Upper Uwchlan Township, as heretofore amended (“Zoning Ordinance”) is hereby amended as follows:

A. Zoning Ordinance Section 200-72 (entitled “Flexible/open space development option”, Subsection A (entitled “Purpose”) is hereby amended to add a new subsection as follows:

(10) To provide for compatible residential uses and communities including Active Adult Communities.

B. Zoning Ordinance Section 200-72.C.(2)(b) (entitled “Permitted Uses” “Within the F-1 Flexible Development Overlay District”) is hereby amended to add a new subsection [4] as follows:

[4] Active Adult Community consisting of a residential development of any number of types of the dwelling units permitted in subsection (b)[1] and [2] above along with Active Adult Community accessory use(s), including clubhouse, swimming pool, bocce, indoor and outdoor recreational uses, trails, fitness center, guest parking, dog park, outdoor grilling, picnic areas, sewage disposal lagoons, disposal fields and other similar uses to the foregoing. Outdoor recreational amenities and accessory uses can be counted towards the minimum restricted open space requirements per Section 200-72.D.(1)(a). Parking for an Active Adult Community shall be provided in accordance with the category for Housing for elderly (single-family and townhouse) as set forth in § 200-73.G.(2).

C. Zoning Ordinance Section 200-72.D.(2)(b)[1] (entitled “Calculation of permissible density”) is amended to add the following density for Active Adult Community within the F-1 Flexible Development Overlay District:

F-1 Flexible Development Overlay District for Active Adult Community 2.2

, Member

By: _____
Township Secretary