

WESTFALL TOWNSHIP
PIKE COUNTY, PENNSYLVANIA

ORDINANCE NUMBER 137

An Ordinance Amending the Westfall Township Zoning Ordinance No. 124, adopted September 6, 2005, changing Article II, Section 202 regarding the definition of Age Restricted Housing to comply with Federal Law.

WHEREAS, under and pursuant to the Second Class Township Code, 53 P.S. 66506, and 66601, the Board of Supervisors may make and adopt any Ordinances, By Laws, Rules and Regulations not inconsistent with or restrained by the Constitution and Laws of this Commonwealth necessary for the proper management, care and control of the Township and its finances and the maintenance of peace, good government, health and welfare of the Township and its citizens, trade, commerce and manufacturers;

WHEREAS, under and pursuant to the Westfall Township Zoning Ordinance, No 124, adopted September 6, 2005, Section 108, the Board of Supervisors may amend, or repeal any or all portions of the Zoning Ordinance on its own motion or after agreeing to hear a written request of any person, entity, land owner or the Planning Commission;

WHEREAS, under and pursuant to the Municipalities Planning Code, 53 P.S. 10609, before voting on the enactment of the amendment, the Board of Supervisors shall hold a public hearing thereon pursuant to public notice; and

WHEREAS, the amendment does not involve a zoning map change and has been submitted to the Westfall Township Planning Commission and the Pike County Planning Commission for recommendation.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Westfall Township, Pike County, Pennsylvania;

1. The preceding Whereas Clauses are hereby incorporated as though same were set forth at length herein;
2. The Ordinance is hereby amended as follows:

FROM: Age Restricted Housing. A housing development in which every dwelling unit (except a unit for one manager) is permanently restricted by deed, by any lease and by notes on the recorded plan to the following occupancy limitations: 1) a minimum of one resident head of household of each dwelling unit shall be age fifty-five (55) years or older or be physically disabled as defined by Social Security disability regulations, and 2) no person under age fifty (50) shall live in the dwelling unit for more than thirty (30) days in any calendar year.

- A. The only allowed housing type in an Age Restricted Housing Development shall be townhouses, except that apartments shall also be allowed if apartments are listed as an allowed use in that zoning district in Section 306

To: Age Restricted Housing. A housing development which every dwelling unit (except for one unit occupied by the property manager) is permanently restricted by affirmative covenant or restriction or lease and is intended for, and solely occupied by, persons sixty-two (62) years of age or older; or intended and operated for occupancy by persons fifty-five (55) years of age or older, and, to wit:

- (i) At least 80 percent of the occupied units are occupied by at least one (1) person who is fifty-five (55) years of age or older;
- (ii) The housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required herein;
- (iii) The housing facility or community complies with rules issued by the Municipality for verification of occupancy, which shall provide for verification by reliable surveys and affidavits and include examples of the types of policies and procedures relevant to a determination of compliance. Such surveys and affidavits shall be admissible in any municipal, administrative and judicial proceedings for purposes of such verification; and
- (iv) Limiting occupancy by any person age eighteen (18) years or younger to no more than thirty (30) days per calendar year.

This Ordinance shall become effective immediately. Duly enacted and ordained this 3rd day of April, 2008 by the Westfall Township Supervisors of the Township of Westfall, County of Pike, and Commonwealth of Pennsylvania in lawful session duly assembled.




JAMES MUIR, CHAIRMAN



LESTER J. BUCHANAN, VICE-CHAIRMAN



ROBERT M. EWYBANK, SUPERVISOR



PAUL C. FISCHER, SUPERVISOR



RAYMOND BANACH, SUPERVISOR

ATTEST:



LISA GREEN, SECRETARY