

## **Article XIII**

### **R-2 Medium Density Residential District**

#### **Section 1300. Declaration of Legislative Intent**

In expansion of the Declaration of Legislative Intent and Statement of Community Development Objectives found in Sections 101 and 102 of Article I of this ordinance, it is the intent of this article to provide regulations for medium density residential uses and open space preservation in conformance with the goals of the Comprehensive Plan, Open Space and Environmental Resource Protection Plan, and the following objectives:

- 1300.1 Establish reasonable standards of performance and promote desirable benefits which single-family detached and other medium density residential uses may have within appropriate areas of the community.
- 1300.2 To provide flexibility in site design based on its relationship with the provisions of centralized sewer and water facilities.
- 1300.3 To encourage medium density subdivision and/or land development in areas of the Township where centralized sewer and/or water system networks may be logically extended.
- 1300.4 To permit compact development where feasible, with the preservation of open land and natural resources.
- 1300.5 To permit flexibility that encourages development to serve economic and social needs that may vary among existing and future residents.

#### **Section 1301. Permitted Uses**

A building may be erected, altered or used, and a lot may be used or occupied for any of the following purposes and no other:

- 1301.1 Single-family detached dwelling.
- 1301.2 Agriculture
- 1301.3 Institutional uses, in compliance with Article XXVI, Institutional Use Regulations, of this ordinance.
- 1301.4 Preservation of open space and outdoor recreational uses, in compliance with Article XXVII, Open Space and Outdoor Recreation Regulations, of this ordinance.
- 1301.5 Non-agricultural uses for agricultural buildings in accordance with Article XXIV.
- 1301.6 Any private utility facility use directly related to and necessary for services within the township, when approved by the Board of Supervisors as a conditional use, subject to the standards and criteria of Section 811, Utilities, of this ordinance.
- 1301.7 Accessory uses in conformance with this Ordinance.

1301.8 Age-qualified housing in conformance with the Federal Fair Housing Act of 1988, as amended, when authorized by the Board of Supervisors as a conditional use, in compliance with the standards and criteria in Section 1303, Design Alternative for Open Space Preservation, and Section 1304, Age-qualified Housing Standards, herein.

**Section 1302. Dimensional Standards [Amended 7/10/01; Ord. # 01-07, 8/14/01; Ord. # 01-08, 6/8/04; Ord. #04-07; 12/13/05, Ord. No. 2005-13]**

1302.1 The following requirements apply to conventional and design alternative lotting for residential use on a per dwelling unit basis.

Centralized Utilities Provided	Minimum Lot Size (square feet)	Minimum Lot Width (feet)	Minimum Yards		
			Front (feet)	Side (each) (feet)	Rear (feet)
A. No Sewer - No Water	40,000	150	40	30	45
B. Sewer - No Water	40,000	150	40	30	45
C. Sewer and Water	10,000	75	10	20	30

1302.2 Minimum setbacks along all street frontages shall equal the front yard setback, or, where rights of ways do not exist within a development, a minimum setback of 10 feet from sidewalks and 25 feet from cartways shall be required.

1302.3 Minimum setbacks for agricultural buildings and structures, and private garages, shall comply with Section 808 of this Ordinance.

1302.4 Minimum setbacks for buildings and structures (except private garages) that are accessory to a residential use:

A. Buildings and structures up to 15 feet in height: 10 feet from side and rear property lines; not permitted in the front yard setback.

B. Buildings and structures over 15 feet in height: 10 feet from side and rear property lines plus 2 additional feet for each one foot, or part thereof, in excess of 15 feet. Maximum required setback shall be 25 feet. Not permitted in the front yard setback.

1302.5 Maximum permitted height for buildings and structures:

A. Residential buildings: 35 feet.

B. Buildings and structures accessory to a residential use: 25 feet.

- C. For any other building or structure permitted by right, 35 feet except that such height may be increased to a maximum of 60 feet as may be warranted when approved as a conditional use by the Board of Supervisors for such structures as water towers, barns, silos, and chimneys, provided that for every foot of height in excess of 35 feet there shall be added to each yard requirement one corresponding foot of width or depth.
- 1302.6 The following setback and buffer standards shall apply to all principal non-residential uses and their parking facilities, unless otherwise regulated in this ordinance; they do not apply to uses accessory to residential use:
- A. Minimum building setback from the ultimate right-of-way and property lines: 100 feet.
  - B. For buildings or structures in excess of the maximum height of 35 feet or in excess of 100 feet in length or width, the minimum building setback of 100 feet shall be increased 1 foot for each 1 foot in excess of 35 feet in height and 100 feet in width.
  - C. Parking facilities and driveways shall be set back a minimum of 50 feet from any lot line, including the ultimate right-of-way line. Access driveways from the street do not need to comply with the setback from the ultimate right-of-way.
  - D. A permanently landscaped buffer area shall be located in these minimum setback areas containing a variety of trees, shrubs, and lawn areas, or other vegetation suitable for buffering purposes, in compliance with the Landscaping Standards of the Subdivision and Land Development Ordinance.
- 1302.7 Maximum building coverage:
- A. Residential use, including accessory buildings: 20 percent.
  - B. Agricultural use: 20 percent.
  - C. Conditional or special exception uses: 30 percent; except for residential conversions, 20 percent; does not apply to age-qualified dwelling units.
- 1302.8 Minimum Open Space [**Amended 12/13/05; Ord. No. 2005-13**]
- A. Residential use:
    - 1. Conventional subdivision: 15 percent of the gross tract area, applicable when a subdivision involves more than 4 lots (including lots which will contain existing dwellings).
    - 2. Design Alternative for Open Space Preservation: as required under Sections 1303 and 1304 herein.
  - B. Agricultural use: not applicable.

### **Section 1303. Design Alternative for Open Space Preservation**

**[Amended 7/14/98; Ord. # 98-2 & 7/10/01; Ord. # 01-07, 6/8/04; Ord. #04-07]**

This section provides alternative subdivision and/or land development design and development standards to preserve open space, especially where sensitive and desirable natural features will be preserved and protected, in compliance with the Open Space and Environmental Resource Protection Plan, and the following standards:

#### 1303.1 Application:

- A. Purposes. The primary purpose of these standards is to preserve the Macoby Creek Greenway as identified in Figure 12-3 of the Open Space and Environmental Resource Protection Plan, while permitting reasonable levels of subdivision and/or land development. A secondary purpose is to encourage preservation of open space on other lands within the R-2 District.
- B. Identification of Applicable Properties. Parcels of land in the R-2 Medium Density Residential District that are identified in Figures 12-2 and 12-2a of the Open Space and Environmental Resource Protection Plan shall be required to comply with the requirements of this section. Other parcels within the R-2 District may be developed under these standards as an option in place of conventional subdivision.
- C. Maximized Subdivision or Land Development. Any subdivision or land development, that is intended to create building lots or dwelling units throughout all or most of the developable portions of an identified property shall be required to comply with all the regulations of Sections 1303.1 through 1303.5, herein, that are applicable to the proposed dwelling type, including the preservation of open space.
- D. Exemption for Minor Subdivision.
  1. Before maximized subdivision or land development is proposed, the township may exempt one minor subdivision, as defined in the Subdivision and Land Development Ordinance, from compliance with Sections 1303.1 through 1303.5, herein, provided that, in the opinion of the Board of Supervisors, the minor subdivision will not impede the ultimate preservation of the minimum required open space in conformance with Section 1303 or 1304, herein, and that the exempted plan will be subject to the following conditions of plan approval:
    - a) The applicant shall submit a minor subdivision plan in compliance with Article III of the Subdivision and Land Development Ordinance. The Minor Subdivision Plan shall also show and label the 100-year floodplain and riparian corridor limits, identify the number of acres of land required for open space preservation, identify the general location and acreage of land available for open space preservation, and deed restrict the lot or lots containing the land for future preservation as potential greenway or other open space.
    - b) Any proposed building lots shall be located totally outside the limits of the 100-year floodplain and riparian corridor as defined in this ordinance.
    - c) The ultimate preservation of open space shall be based on the gross acreage of the tract originally proposed for exempted subdivision.

d) Any further subdivision or land development of the lots created by the exempted subdivision shall require the permanent preservation of open space in conformance with Section 1303 or 1304, herein, as applicable to the type of development.

2. The Board of Supervisors reserves the right to require permanent preservation of open space for any proposal that, in its opinion, may impede the ultimate preservation of the minimum required open space in conformance with Section 1303.3 or 1304, herein.

1303.2 Developable Area Plan for Maximized Subdivision or Land Development.

A. Application. The initial formal application for maximized subdivision and/or land development shall include a developable area plan that identifies those parts of the site that are developable and those that are not. The developable area plan shall be used as the basis for determining the maximum numbers of lots or dwelling units permitted in compliance with Section 1303.3, herein.

B. Drafting Standards and Contents. The developable area plan shall delineate and identify the following features, drawn to Preliminary Plan accuracy. For age-qualified housing, the developable area plan shall also label the acreage of each identified area.

1. Floodplain boundaries (per elevation survey or otherwise in accordance with the regulations in Article XX, Floodplain Conservation Overlay District).
2. Jurisdictional wetlands boundaries (determined by a qualified expert).
3. Water bodies.
4. Steep slopes greater than fifteen (15) percent.
5. Legal rights-of-way of streets within or bordering the site.
6. Electric transmission, pipeline, water, sewer, communications, or other utility easements that do not directly serve the property.
7. Portions of the property that are or were used for other purposes that render those areas not developable (e.g. quarries, existing development that will remain on the property).
8. Portions of the property that are not developable because of deed restrictions or other legally binding constraints.

1303.3 Determination of Maximum Permitted Number of Lots or Dwelling Units. The methods in this section shall be used to determine the maximum permitted numbers of lots for non-age-qualified development and maximum numbers of lots and/or dwelling units for age-qualified housing.

A. Non-age-qualified Housing. The applicant shall prepare a “yield plan” using the conventional lotting dimensions in Section 1302.1, C, to determine the maximum permitted number of lots permitted for non-age-qualified single-family detached dwellings under the design alternative.

1. Drafting Standards. The yield plan shall be drawn to scale as a sketch on the developable area plan.
2. Plan Requirements. The yield plan shall provide a practical road and lotting layout with sufficient areas for stormwater basins, cul-de-sac turnarounds, and recreational facilities in compliance with the Subdivision and Land Development Ordinance or other applicable Township requirements.
3. Qualifying Lots. For a conventional lot on the yield plan to qualify for the permitted maximum, its building envelope must provide at least one half the minimum building envelope area required in a minimum conventional lot in compliance with Section 1302.1, herein. The building envelope must be unconstrained by steep slopes, floodplains, riparian corridor, and/or wetlands, and shall be accessible from the road without crossing steep slopes, floodplains, riparian corridor, and/or wetlands.
4. Maximum Permitted Number of Lots. The maximum permitted number of lots shall be determined from the yield plan by the Township Engineer in conformance with the standards herein. Applicants may submit additional evidence intended to justify the inclusion of lots disqualified by the Township Engineer, subject to further engineering review.

B. Age-qualified Housing.

1. Maximum Permitted Number of Lots and/or Dwelling Units. In recognition of a reduction in impacts on the township and school district from age-qualified development, as compared to non-age-qualified development, the maximum permitted number of lots and/or dwelling units may be larger than the number permitted for non-age-qualified development.
2. Worksheet for Calculations. The permitted maximum number of age-qualified dwelling units shall be calculated by subtracting the non-developable areas identified on the developable area plan from the gross tract acreage using the following three-step worksheet; a copy of the completed worksheet shall be placed on the developable area plan as evidence of the calculations:

Step 1.

Non-developable Area Calculation

1. Floodplain \_\_\_\_\_ acres
2. Wetlands \_\_\_\_\_ acres
3. Water bodies \_\_\_\_\_ acres
4. Slopes greater than 15 % \_\_\_\_\_ acres
5. Legal rights-of-way of streets \_\_\_\_\_ acres
6. Utility easements \_\_\_\_\_ acres

- 7. Areas used for other purposes \_\_\_\_\_ acres
- 8. Areas legally restricted from development \_\_\_\_\_ acres

Total non-developable area \_\_\_\_\_ acres

*Note: Non-developable areas shall not be double-counted (e.g. wetlands and water bodies located entirely within the floodplain).*

Step 2

Developable Area Calculation

Gross tract area (per deed) \_\_\_\_\_ acres

Minus total non-developable area \_\_\_\_\_ acres

Total developable area \_\_\_\_\_ acres

Step 3

Permitted Maximum Number of Age-qualified Dwelling Units

Total developable area (\_\_\_\_\_ acres) times 2.3 = Permitted Maximum Number  
(Rounded to the nearest whole number)

C. Acknowledgement of Limitations to Achieving Maximum Density.

1. Compliance with the standards in this ordinance does not guarantee that the maximum number of lots or dwelling units will be achievable in all cases. The applicant’s ability to develop the maximum numbers determined in compliance with the standards of Section 1303.4 may be reduced as a result of the applicant’s choices of dwelling types, building and/or lot sizes, mixing percentages, physical constraints of the development site, or other factors.
2. The applicant’s plans shall be required to comply with all requirements of Sections 1303 and 1304 applicable to the dwelling types proposed for development, regardless of the applicant’s ability to achieve the maximum numbers of lots or dwelling units.
3. A copy of this acknowledgement shall be placed on the plan used by the applicant to determine the maximum number of lots or dwelling units as evidence that the applicant recognizes the potential limitations to achieving the maximum number of lots or dwelling units.

1303.4 Lot Reduction for Single-family Detached Dwellings: [**Amended 12/13/05; Ord. No. 2005-13**]

- A. Tracts Less Than Ten Acres. For tract sizes of less than 10 acres, the minimum area of each tract required to be preserved as open space shall be a minimum of fifty percent (50%) of the gross tract area and sufficient to implement the recommendations of the Open Space and Environmental Resource Protection Plan, or any successor plan thereto, while allowing the number of lots permitted by the yield plan. Open space shall be designed in accordance with the provisions of the Subdivision and Land Development Ordinance.

- B. Tracts Ten Acres or More. For tract sizes of 10 acres or larger, a minimum of fifty percent (50%) of gross area of each tract is required to be preserved as open space to implement the recommendations of the Open Space and Environmental Resource Protection Plan, or any successor plan thereto, while allowing the number of lots permitted by the yield plan. Open space shall be designed in accordance with the provisions of the Subdivision and Land Development Ordinance.
- C. Dimensional Standards. The lot reduction dimensional standards of Section 1302.1, C, shall apply.
- D. Additional Lot Reduction. Should it be demonstrated that the number of lots permitted by the yield plan and the required amount of open space preservation cannot both be achieved on a given tract, the Board of Supervisors, by conditional use approval, may allow an additional reduction of the minimum lot size of individual lots by a maximum of 10 percent. For tracts of less than 10 acres, the conditional use approval may also allow the use of conservation easements, not to include areas devoted to roads, utility easements, or stormwater management facilities for up to 50 percent of the required open space, to provide greater flexibility to achieve a reasonable number of lots.

**Section 1304. Age-qualified Housing Standards. [Added 7/10/01; Ord. # 01-07] [Amended 12/13/05; Ord. No. 2005-13]**

Age-qualified housing, in conformance with the Federal Fair Housing Act of 1988, as amended, shall be permitted by conditional use in compliance with Section 1303, Design Alternative for Open Space Preservation, and the following standards.

1304.1 Permitted Development.

- A. Single-family detached and/or single-family attached dwelling units and accessory uses customarily associated with these dwelling types.
- B. Accessory uses appropriate for shared use by residents of an age-qualified development, which shall be constructed and available for use before the occupancy of fifty (50) percent of the dwelling units approved for the development, limited to the following:
  1. Community center building(s), conveniently accessible to all dwelling units, which may include meeting rooms, activity rooms, craft rooms, library, lounges, fitness center, and/or kitchen facilities for members of the age-qualified development and their guests. Minimum floor area shall be no less than the larger of fifteen (15) square feet per dwelling unit approved for the development or 1,250 square feet.
  2. Outdoor recreation facilities appropriate for age-qualified development, in lieu of facilities required by the Subdivision and Land Development Ordinance. **[Amended 12/13/05; Ord. No. 2005-13]**
  3. Guard station and/or mechanical entrance gate.

- C. Open space in conformance with the requirements of the Subdivision and Land Development Ordinance. [**Amended 12/13/05; Ord. No. 2005-13**]

1304.2 Declaration of Age Qualification.

- A. As a prerequisite for conditional use approval, the applicant shall submit a declaration against all dwelling units proposed to be age-qualified, in a form acceptable to the Township Solicitor, pursuant to the Fair Housing Act.
- B. This declaration shall identify the numbers and types of dwellings to be age-qualified. The declaration shall permanently bind a minimum of eighty (80) percent of those dwelling units to be permanently occupied by at least one person age fifty-five (55) or older.
- C. No permanent occupant of an age-qualified dwelling unit may be less than eighteen (18) years of age.

1304.3 Permitted Number of Lots and/or Dwelling Units.

- A. Maximum Permitted Number. The maximum permitted number of lots and/or dwelling units shall comply with the worksheet calculations of Section 1303.3, Determination of Maximum Number of Lots or Dwelling Units, herein.
- B. Maximum Permitted Number of Non-Age-qualified Lots. The applicant may designate no more than five (5) percent of the total number of permitted lots or dwelling units as “Non-age-qualified Lots” that are not subject to age-qualified ownership and occupancy.
  - 1. Area. Non-age-qualified lots (net of areas identified and permanently preserved as open space) shall occupy no more than twenty-five (25) percent of the total gross acreage of the original tract proposed for age-qualified development.
  - 2. Other Applicable Standards. Non-age-qualified lots shall comply with all applicable standards for conventional lotting, including access from a public street, and shall be deed restricted against further subdivision. They shall also comply with the dimensional standards of Section 1304.4, C, herein.

1304.4 Dimensional Standards.

- A. Age-qualified single-family detached dwelling units:
  - 1. Minimum lot size: 7,000 square feet.
  - 2. Minimum lot width: 70 feet.
  - 3. Minimum yards:
    - a) Front and rear: 25 feet each.
    - b) Side: 15 feet each.

B. Age-qualified single-family attached dwelling units:

If lots are created that extend beyond the footprint of the buildings, the following dimensions shall apply:

1. Minimum lot size: 4,500 square feet.
2. Minimum front, side, and rear yard areas along each exterior wall of each dwelling unit: 12 feet.

C. Non-age-qualified Lots:

1. Minimum lot size: 40,000 square feet.
2. Minimum lot width: 150 feet (subject to additional requirements in Article 4 of the Subdivision and Land Development Ordinance).
3. Minimum yards:
  - a) Front and rear: 45 feet each.
  - b) Side: 30 feet each.

1304.5 Conditional Use Standards and Criteria.

**[Amended 6/11/02, Ord. #02-12; 6/8/04, Ord. #04-07, 12/13/05, Ord. No. 2005-13]**

Age-qualified development proposals shall be subject to the following conditional use standards and criteria:

- A. Overall Plan Required. The applicant shall submit one overall subdivision and/or land development plan, although the plan may be developed in separate phases.
- B. Tract Area, Number of Lots/Dwelling Units, and Open Space Calculations.  
For the purposes of these calculations, an age-qualified development shall consist of all subdivision and land development proposed for a tract of land, including all age-qualified dwelling units and non-age-qualified dwelling units.
- C. Number of Single-family Attached Dwelling Units Per Building.  
No more than four single-family attached dwelling units shall be permitted in any one building.
- D. Open Space.
  1. Total Area Required. A minimum of fifty (50) percent of the gross lot area of the original tract proposed for age qualified development and related non-age-qualified development, shall be permanently preserved as open space and shall be designed in accordance with the requirements of the Subdivision and Land Development Ordinance.

2. Neighborhood Open Space Areas. Within age-qualified neighborhoods, open space shall be provided as focal points designed in a Village Green character at a rate of one central location per fifty (50) dwelling units and shall further be designed in accordance with the criteria for such open space contained in the Subdivision and Land Development Ordinance.

E. Parking Capacity, Setbacks, and Locations.

1. Parking for age-qualified development shall be provided at the rate of 2.5 spaces per dwelling unit including guest/overflow parking.
  - a) Each garage parking space may be counted toward the total parking capacity as one parking space.
  - b) Driveway areas shall not be counted toward the total parking capacity whether located adjacent to a garage or elsewhere.
  - c) Guest/overflow parking spaces shall be provided at the rate of 0.5 spaces per dwelling unit and shall be distributed conveniently and equitably among the dwelling units.
2. On-street parking spaces shall not be permitted along streets internal to the development. Off-street parking bays may be provided along streets where less than twenty-five (25) dwelling units must use that section of street for access.
3. Off-street parking shall be provided adjacent to the community center building at the rate of one (1) space per ten (10) age-qualified dwelling units.
4. Parking setbacks.
  - a) From tract boundaries: 25 feet
  - b) From ultimate rights-of-way of external roads: 50 feet

F. Architectural Standards.

Age-qualified dwellings shall be subject to the following standards:

1. Architectural Characteristics. The applicant shall prepare a set of architectural characteristics for the homes in the development, including floor plans, elevations, perspective sketches, and building materials, subject to approval by the Board of Supervisors, with the advice of the Township Planning Commission. Building materials. Building styles, bulk, window and door placement, roof pitch, and proportions shall be compatible with the rural and village character of the area. A minimum of three different exterior designs will be required to provide more interesting visual variety.

2. Approval and Recording. The architectural characteristics shall be approved as a condition of conditional use approval and shall be recorded with the development agreement. Significant variations from the approved characteristics shall require additional conditional use approval, when determined necessary by the Board of Supervisors.
3. Architectural Review. It is not intended that the Board of Supervisors dictate the architectural characteristics, but that an acceptable set of standards be chosen by the applicant and adhered to consistently throughout the development.
4. Building additions. The architectural plans should specify the basic building configurations and provide the opportunity for specific potential additions such as porches, patios, decks, or additional rooms. These additional features must be compatible with the original architectural standards.
5. Major architectural features, such as structural bay windows, porticoes, and dormers, shall be required for a minimum of twenty-five (25) percent of the age-qualified dwelling units.

G. Additional Development Regulations.

1. Water Supply. All age-qualified and non-age-qualified dwelling units and other buildings in the overall development shall be served by a centralized water system approved by Upper Hanover Township and the Pennsylvania Department of Environmental Protection. Connection to the Upper Hanover Authority's Public Water System shall be required when water service is available, in accord with Upper Hanover Township Ordinance No. 82-4.
2. Wastewater Disposal. All age-qualified and non-age-qualified dwelling units and other buildings in the overall development shall be served by a Public Sewage System as defined in Upper Hanover Township Ordinance No. 92-4 or other Public Sewage System authorized by the township.
3. Lighting. The applicant shall provide sufficient lighting for the convenience and safety of residents and visitors along internal roads, driveways, parking areas, sidewalks, and pathways, subject to approval by the Board of Supervisors, with the advice of the Township Engineer. All lighting shall comply with the standards of Section 823 of this Ordinance. Along sidewalks and pathways, low level lighting shall be provided to improve visibility and safety for pedestrians.
4. Street Access Standards.
  - a) Internalized Access. All age-qualified dwelling units and buildings shall take access from streets and driveways within the age-qualified development.
  - b) Street Access. Age-qualified dwelling units shall not be required to have 50 feet of frontage along or take access from a public street as specified in Section 813, Access to a Public Street, of this Ordinance.

5. Landscaping, Buffers, and Screens. Landscaping shall be provided and maintained in compliance with the standards in the Subdivision and Land Development Ordinance.
6. Streambank Restoration. Where streambanks are seriously eroded and are in need of restoration, the Board of Supervisors may require the applicant to provide such restoration in conformance with accepted standards and Best Management Practices regarding such work.

H. Minimum Setbacks for Age-qualified Principal and Accessory Buildings.

1. From any tract boundary of the age-qualified development: Forty (40) feet.
2. From the Ultimate right-of-way of external streets: Seventy-five (75) feet. A gatehouse or guardhouse may be located within this setback, provided that a sufficient vehicular turnaround is provided between the external street and gate/guard house.
3. From internal driveways or streets: Twenty-five (25) feet, except this shall not apply to driveways shared by only four or fewer dwelling units.
4. From any other building: Fifty (50) feet. Steps, porticoes, bay windows, or similar minor architectural features may extend no more than three feet from the building wall into the 50-foot minimum space.
5. From any group of ten or more parking spaces: Twenty-five (25) feet.

I. Driveway Setback from Property Lines and External Ultimate Right-of-way Lines.

1. From property lines: Twenty-five (25) feet.
2. From the ultimate right-of-way of external streets: Seventy-five (75) feet.

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