

**BOROUGH OF SWARTHMORE
DELAWARE COUNTY, PENNSYLVANIA
ORDINANCE NO. 1085**

AN ORDINANCE OF THE BOROUGH OF SWARTHMORE, COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA, AMENDING AND/OR SUPPLEMENTING THE ZONING CODE OF THE BOROUGH OF SWARTHMORE BY ADDING SENIOR COOPERATIVE HOUSING AS A CONDITIONAL USE IN ALL ZONING DISTRICTS (EXCEPT PA PARKS DISTRICTS AND IN-C INSTITUTIONAL DISTRICTS) AND ESTABLISHING CERTAIN STANDARDS AND CRITERIA FOR APPROVAL

BE IT ENACTED, by the Borough Council of the Borough of Swarthmore as follows:

Section 1. Purpose.

The purpose of this ordinance is to maintain the viability of Swarthmore as an age-friendly community by providing affordable alternative living arrangements without altering the existing residential quality of the immediate neighborhood, natural features, or open space.

Section 2. Zoning Districts.

“Senior Cooperative Housing” shall be added as a Conditional Use in all Zoning Districts in the Borough of Swarthmore Zoning Code except for PA Parks Districts and IN-C Institutional Districts. Accordingly, the following Sections of the Zoning Code shall be amended as follows:

(a) Sections 1246.02 (RA Residential Districts), 1248.02 (RB Residential Districts), 1250.02 (RC Residential Districts), 1252.02 (AR Apartment Districts), and 1254.02 (AL Alternative Residential Districts) of the Zoning Code, all of which are entitled “Permitted Uses,” shall be amended by adding the following new subsection (d):

(d) Conditional Uses.

(1) Senior Cooperative Housing (subject to the criteria set forth in Sections 1264.11 and 1264.19).

(b) Section 1256.02(d) (TC Town Center Districts) and Section 1258.02(d) (IN-A Institutional Districts), both of which are entitled “Conditional Uses,” shall be amended by adding the following new subsection (3):

(3) Senior Cooperative Housing (subject to the criteria set forth in Sections 1264.11 and 1264.19).

(c) Section 1259.02(d) (IN-B Institutional Districts) entitled “Conditional Uses,” shall be amended by adding the following new subsection (2):

(2) Senior Cooperative Housing (subject to the criteria set forth in Sections 1264.11 and 1264.19).

Section 3. Chapter 1240.05 (Definitions).

a) The definition of “Congregate Housing for the Elderly” shall be removed from the Borough of Swarthmore Zoning Code.

b) “Senior Cooperative Housing” shall be defined as a facility containing multiple dwelling units for persons over the age of 55, which may be jointly owned by tenants in common, joint tenants, equity holders of a real estate cooperative, a condominium or such other form of ownership permitted by law which:

- i) contains two or more dwelling units, each unit having at least one resident 55 or older;
- ii) includes shared food preparation, dining and recreation facilities for the use of all residents;
- iii) is designed and organized to permit co-operation and interaction between the facility residents.

Section 4. Specific Standards and Criteria.

A new Section 1264.19 entitled “Senior Cooperative Housing Standards and Criteria” shall be added which shall read as follows:

1264.19. Senior Cooperative Housing Standards and Criteria.

In addition to meeting the requirements contained in the definition of “Senior Cooperative Housing” and the general standards and

criteria for Conditional Use requirements found in 1264.11 hereof the following shall apply:

- (1) The facility must be fully compliant with the area and bulk regulations of the zoning district in which it is located. In no case may any of the dwelling units be located in an accessory structure.
- (2) There must be one (1) off-street parking space for each dwelling unit, unless waived or adjusted by the Borough. Parking may be in an uncovered space or tandem space but in no case may any parking space be wholly or partially between the building front façade and the front lot line. In no case will any single parking space restrict access to more than one other parking space.
- (3) The Borough may require a separate drop-off and pickup area adjacent to the building located in a manner that will not create congestion on the sidewalk or any crosswalk or street.
- (4) A minimum of 2,000 square feet of land area is required for each dwelling unit contained in the facility.
- (5) There shall be a minimum of 300 square feet of usable outside common open space per dwelling unit.
- (6) The Borough may require the applicant to demonstrate that public roads adjacent to the proposed facility are adequate to bear any additional traffic.
- (7) Except as provided for in subsection (8) hereof, at least one resident of each dwelling unit shall have an ownership interest in the facility. The ownership may be in form of shares, stock or membership interest in a real estate cooperative, a fee interest in a condominium unit, a fee interest in a joint tenancy or tenancy in common, or a life estate.

- (8) One dwelling unit may be reserved for a resident staff person who shall not be an owner of the facility, to provide necessary services to the facility residents.
- (9) Non-residents shall not purchase ownership interests or equity shares or stock in a real estate cooperative entity, and must divest ownership in the case of inheritance or other transfer of ownership.
- (10) Dwelling units shall not be rented or leased, except on a temporary, month-to-month basis in order to facilitate incorporating new residents.
- (11) Applicant must provide a copy of the Declaration of Condominium, Articles of Incorporation of a real estate cooperative entity, by-laws or operating agreement or such other formation documents (collectively, the "Governing Documents") to the Borough before final approval of the Conditional Use Permit. The by-Governing Documents must incorporate any and all standards and criteria contained in this Ordinance as may be amended from time to time and any other requirements and provisions of the Conditional Use approval.

Section 5. Application Procedure and Duration of Permit.

Applicants must follow Conditional Use application procedures as outlined in Section 1264.11 of the Borough of Swarthmore Zoning Code. The Borough shall issue a Conditional Use permit upon approval of the application.

Section 6. Severability.

The provisions of this ordinance are 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, or parts of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional sections, sentence, clause, part, or provision had not been included therein.

Section 7. Repealer.

All resolutions or ordinances, or parts thereof that are inconsistent herewith are hereby repealed to the extent of the inconsistency.

Section 8. Adoption.

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

ADOPTED THIS 13th DAY OF MAY, 2019.

BOROUGH COUNCIL

David J. Creagan
President

ATTESTED THIS 13TH DAY OF
MAY, 2019

APPROVED THIS 13TH DAY OF
MAY, 2019

Jane C. Billings
Borough Manager

Marty Spiegel
Mayor