

FRANCONIA TOWNSHIP

ORDINANCE # 411-21

AN ORDINANCE AMENDING ARTICLE V (R-175 RESIDENTIAL DISTRICTS) OF THE FRANCONIA TOWNSHIP ZONING ORDINANCE (THE "ZONING ORDINANCE"); AMENDING ARTICLE VI (R-130 RESIDENTIAL DISTRICTS) OF THE ORDINANCE; AND ADDING TO THE ORDINANCE A NEW ARTICLE XXVIIA (NOD-NEIGHBORHOOD OVERLAY DISTRICT).

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NOW THEREFORE IT IS HEREBY ENACTED AND ORDAINED by the Franconia Township Board of Supervisors that the Franconia Township Zoning Ordinance, shall be amended as follows:

SECTION 1. Amendment to Article V (R-175 Residential Districts).

Section 145-30.2 is hereby added to read in its entirety as follows:

§145-30.2 Conditional use regulations.

Any lot, premises, and/or tract also located in the NOD-Neighborhood Overlay District and satisfying the Eligibility Criteria of the NOD-Neighborhood Overlay District (insert code section as assigned by General Code) may, when authorized by conditional use, be developed and used in accordance with the regulations of the NOD-Neighborhood Overlay District as set forth in Article XXVIIA of this Chapter.

SECTION 2. Amendment to Article VI (R-130 Residential Districts).

Section 145.34.2 is hereby amended to add a subsection “B.” to read as follows:

- B. A NOD-Neighborhood Overlay District development in accordance with the regulations set forth in Article XXVIIA of this Chapter, provided such lot, premises, or tract is located within the NOD-Neighborhood Overlay District, and satisfies the Eligibility Criteria of the NOD-Neighborhood Overlay District (insert code section as assigned by General Code).

SECTION 3. Addition of Article XXVIIA NOD-Neighborhood Overlay District.

Chapter 145 (Zoning) of the Franconia Township Code is hereby amended to add the Article XXVIIA (NOD-Neighborhood Overlay District) to read, in its entirety, as set forth on Exhibit “A” attached hereto and incorporated herein by reference as if set forth in full.

SECTION 4. Repeal and Ratification.

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the ordinances of the Township that are unaffected by this Ordinance are hereby reaffirmed and ratified. During codification, General Code is authorized to assign actual section numbers, where appropriate, in the text of the Ordinance amendment.

SECTION 5. Severability.

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect, and for this reason the provisions of this Ordinance shall be severable.

SECTION 6. Disclaimer.

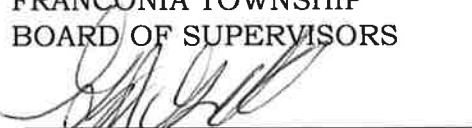
Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any permit issued, or any cause or causes of action existing under the ordinances of the Township of Franconia prior to enactment of this Ordinance.

SECTION 7. Effective Date.

This Ordinance shall become effective five (5) days after enactment.

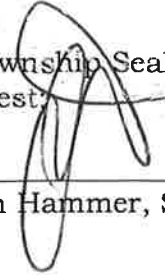
DULY ENACTED AND ORDAINED this *17th* day of *May*, 2021, by the Board of Supervisors of Franconia Township, Montgomery County, Pennsylvania, in lawful session duly assembled.

FRANCONIA TOWNSHIP
BOARD OF SUPERVISORS



Grey R. Godshall, Chairman

(Township Seal)
Attest:



Jon Hammer, Secretary

EXHIBIT “A”

ARTICLE XXVIIIA NOD Neighborhood Overlay District

Section 1 Community development objectives.

The primary purpose of the Neighborhood Overlay (NOD) District is to encourage a creative use of the land, the creation of preserved and useable open space areas throughout the Township and more efficient development patterns in terms of roads and utilities. Specifically, this article provides for a reduction in lot sizes and an increase in density from that which may normally be permitted in the underlying districts allowing larger amounts of significant natural features and environmental amenities to be preserved as open space. The placement and design of the open space shall aid in reducing the perceived intensity of development, preserve views from exterior roads and encourage expansion of the Township’s trail system.

- A. To preserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands, by setting them aside from development.
- B. To provide greater design flexibility and efficiency in the siting of services and infrastructure by reducing the length of roads, utility runs and the amount of paving required for residential development.
- C. To preserve views from existing exterior roads and reduce the perceived intensity of the development.
- D. To provide an appropriate mix of housing types compatible with nearby uses.
- E. To provide Township residents with additional pedestrian access between residential communities and open space areas, through the use of walking trails.
- F. To implement the goals of The Indian Valley Regional Comprehensive Plan.
- G. To provide for the preservation and maintenance of open land within the municipality to achieve the above-mentioned goals, and for active and passive recreation use by residents.

Section 2 Eligibility Criteria.

- H. The NOD District is established as overlay zoning in specific residentially zoned areas as designated on the Zoning Map. Any lot, land or tract of ground within the bounds of the NOD District may be developed in accordance with the underlying district or in accordance with the NOD District. As to those areas qualifying for NOD overlay zoning, conditional use approval is required pursuant to the procedures of §145-28.2. An applicant for conditional use approval shall demonstrate compliance with the requirements of this article. The following eligibility criteria shall apply.
 - (1) The tract must be located within the Designated Grown Area as identified by the Indian Valley Regional Comprehensive Plan.

- (2) The tract must have frontage on a major collector road or higher classification.
- (3) Tract Size. The tract of land to be developed shall not be less than 50 acres in area.
- (4) The development shall be served by public water and sewer facilities.
- (5) The tract of land to be developed shall be in a single ownership or shall be the subject of an application filed jointly by all the owners of the entire tract who shall stipulate that the entire tract will be developed in accordance with the approved plan.

Section 3 Conditional Uses.

The following uses are permitted by conditional use in the NOD District

- I. Single-family detached dwellings.
- J. Single family townhouse.

Section 4 Development Requirements.

- K. Density. Density shall be calculated based on the tract's developable acreage, as defined by this chapter in accordance with the site capacity calculations provided in §145-176.
 - (1) The maximum density shall be 2.5 dwelling units per developable acre rounded to the nearest whole number.
- L. Open Space. The minimum required open space shall be 40% of the net site area.
- M. Mix requirement. No single dwelling type shall be more than 60% of the total permitted dwelling units.
- N. The maximum impervious surface coverage for the site shall be 25%.
- O. Walking trails shall be provided throughout the site. Proposed trails shall connect to existing trail systems, open spaces and existing residential areas, and shall be generally in accordance with the Indian Valley Regional Trails Map.
- P. All dwelling units shall take access from new interior roads. All new residential streets, whether offered to the Township or privately maintained, shall comply with the design standards of §122-17.
- Q. Tract Setbacks

- (1) A perimeter buffer of not less than 75 feet shall be provided along all external property lines. The buffer shall be located in open space and shall not be part of a lot.
- (2) All structures shall be setback 100 ft. from all external property lines.
- (3) All structures shall be setback 150 ft. from all external road right-of-ways.

Parking. Two off-street parking spaces shall be provided per dwelling unit. Common guest parking at a rate of 0.4 spaces per dwelling shall be provided. Guest parking may be provided on the street, in a driveway, or in common parking areas.

Section 5 Single-family detached requirements

- R. Minimum lot size: 12,500 square feet
- S. Minimum lot width: 85 feet
- T. Minimum front yard: 30 feet
- U. Minimum side yard: 10 feet., 30 feet aggregate.
- V. Minimum rear yard: 30 feet.
- W. Maximum building coverage (percent of lot area): 30%
- X. Maximum building height: 40 feet, not exceeding 3 stories.

Section 6 Single-family townhouse requirements

- A. Minimum lot area: 2,600
- B. Minimum lot width: 20 feet
- C. Minimum front yard: 25 feet
- D. Minimum side yard: 20 feet.
- E. Minimum rear yard: 30 feet.
- F. Maximum building coverage (percent of lot area): 60%
- G. Maximum building height: 40 feet, not exceeding 3 stories.
- H. Dimensional standards for unlotted developments. Townhouse buildings may be developed without separate lots for each dwelling unit. In such cases, the equivalent lot area shall be maintained per dwelling unit and all dimensional standards outlined above, except for,

minimum lot width, must be met. If no right-of-way is proposed the buildings shall be setback no less than fifty (50) feet from the centerline of the road.

- I. Maximum number of units per townhouse building: 6 dwelling units.

Section 7 Open space

Under NOD standards, 40% of each tract is required to be set aside as protected open space. This open land area shall meet the following standards:

- A. The following uses are permitted in common open space areas:
 - (1) Conservation of open land in its natural state (for example, woodland, fallow field or managed meadow);
 - (2) Passive recreation, including but not limited to trails, picnic areas, community gardens and lawn areas.
 - (3) Active recreation, including but not limited to pocket parks, playing fields, playgrounds, and courts.
 - (4) Neighborhood open space.
 - (5) Municipal water and sewer facilities.
 - (6) Easements for drainage, access, sewer or water lines or other public purposes.
 - (7) Stormwater management facilities for the proposed development or for a larger area in compliance with a watershed stormwater management plan.
 - (8) Aboveground utility and road rights-of-way, except that their land areas shall not count toward the required minimum 50% total open land requirement.
 - (9) Required buffer area.
- B. Open land areas shall be located and designed to:
 - (1) Protect site features identified in the inventory and analysis as having particular value in compliance with the intent of this section.
 - (2) Comply conceptually with the recommendations of Franconia's Open Space Plan and/or Comprehensive Plan, where specified
 - (3) Maximize common boundaries with open land on adjacent tracts, as shown in the Comprehensive Plan, where specified.
- C. Safe and convenient pedestrian and maintenance access shall be provided to open land areas.
- D. The following are prohibited in open land areas:
 - (1) Use of motor vehicles except within approved driveways and parking areas. Maintenance, law enforcement, emergency and farm vehicles are permitted as needed.

- (2) Cutting of healthy trees, regrading, topsoil removal, altering, diverting or modifying watercourses or bodies, except in compliance with a land management plan for the tract in question, conforming to customary standards of forestry, erosion control and engineering.
- E. Natural features shall generally be maintained in their natural condition but may be modified to improve their appearance, functioning or overall condition, as recommended by experts in the particular area being modified. Permitted modifications may include:
- (1) Reforestation.
 - (2) Woodland management.
 - (3) Meadow management.
 - (4) Buffer area landscaping.
 - (5) Streambank protection.
 - (6) Wetlands management.

Section 8 Ownership, maintenance and operation of common facilities and open spaces.

The ownership, maintenance and operation of common facilities and open spaces shall be in accordance with §145-185.

Section 9 Additional Regulations for all uses.

- F. Signs: in accordance with Article XX.
- G. General provisions: in accordance with Article IV.
- H. Natural resource regulations: in accordance with Article XXVI.
- I. Landscape regulations: in accordance with the Subdivision and Land Development Ordinance.
- J. Detention basin regulations: in accordance with the Subdivision and Land Development Ordinance.
- K. Accessory buildings. Accessory buildings are not permitted for townhouse dwelling units. Accessory buildings for single family detached units shall not exceed 100 sf.. Storage sheds are permitted behind the principal building but shall be located 8 feet from the rear or side property lines.