

# **HORSHAM TOWNSHIP**

ORDINANCE # \_\_\_\_\_

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AN ORDINANCE AMENDING (1) THE TOWNSHIP'S ZONING MAP PROVIDING FOR AN "AGE-QUALIFIED DEVELOPMENT OVERLAY DISTRICT" ON CERTAIN LAND LOCATED IN THE R-1/R-2 RESIDENTIAL ZONING DISTRICTS, FURTHER IDENTIFIED AS TAX PARCEL NUMBERS 36-00-09544-00-5, 36-00-09546-00-3, 36-00-09529-00-2 AND A PORTION OF 36-00-09550-00-8; AND (2) THE TOWNSHIP'S ZONING ORDINANCE BY CREATING ARTICLE XXXIX [AGE-QUALIFIED DEVELOPMENT OVERLAY DISTRICT] WITH PROVISIONS FOR DECLARATION OF LEGISLATIVE INTENT; ESTABLISHMENT OF DISTRICT; USE REGULATIONS; DEVELOPMENT REGULATIONS; AREA AND HEIGHT REGULATIONS; RECREATION REQUIREMENTS; AND BUFFER AND LANDSCAPING REQUIREMENTS.

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ENACTED: \_\_\_\_\_

# HORSHAM TOWNSHIP

ORDINANCE # \_\_\_\_\_

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**IT IS HEREBY ENACTED AND ORDAINED** by the Horsham Township Council that its Township Zoning Map and Zoning Ordinance be amended as follows:

**Section 1. Amendment to the Township's Zoning Map.**

The following properties (designated by Tax Parcel Number) are hereby classified on the Township's Zoning Map as having an "Age-Qualified Development Overlay District" and, as such, are incorporated in and made part of the Township's Zoning Ordinance:

36-00-09544-00-5

36-00-09546-00-3

36-00-09529-00-2

A portion of: 36-00-09550-00-8

as shown on Exhibit "A" attached hereto

The Township Engineer is directed to revise the Zoning Map, as last revised, to incorporate the above-parcels as the location and boundaries of the "Age-Qualified Development Overlay District".

**Section 2. Age-Qualified Development Overlay District Amendment to the Township's Zoning Ordinance.**

The Township's Zoning Ordinance shall be amended to create Article XXXIX ["Age-Qualified Development Overlay District"] with provisions for a Declaration of Legislative Intent; Establishment of district; Use regulations; Development regulations; and Area and height regulations, and shall read as follows:

ARTICLE XXXIX  
**Age-Qualified Development Overlay District**

**§ 230-257. Declaration of legislative intent.**

In expansion of the legislative intent contained in Article I, § 230-2 of this Chapter, it is hereby declared to be the intent of this Article to:

- A. Recognize the needs of an aging population.
- B. Provide the option for older residents to age in place with appropriately designed housing.
- C. Provide a variety of housing options for residents 55 years of age and older.
- D. Permit development that requires the preservation of common open space.
- E. Encourage redevelopment that increases net tax revenue.

**§ 230-258. Establishment of district.**

In furtherance of the purposes set forth above, an overlay district is created to be known as the Age-Qualified Development Overlay District ("AQD Overlay"). The AQD Overlay is established as overlay zoning in specific residentially-zoned areas designated on the Zoning Map. The following eligibility criteria shall apply:

- A. Eligibility. Eligible properties shall meet the following criteria.
  - (1) The tract shall be located in the R1 and/or R2 Residential Districts.
  - (2) Minimum tract area. The minimum tract area for an Age-Qualified Development shall be 150 acres.
  - (3) Frontage. An Age-Qualified Development shall have a minimum

of 1000 feet of frontage on two streets, one of which shall be a minor or major arterial street. At least one access road shall be taken from a minor or major arterial street.

- (4) Sewer and water. An Age-Qualified Development shall be served by public sewer and water services.
- (5) Minimum tract area and frontage requirements may be achieved by considering area and frontage of adjoining Age Qualified Development if included within the same home owners' association.
- (6) The provisions and requirements of the "Age-Qualified Development Overlay District" set forth in this Ordinance shall not alter the applicable R-1/R-2 Residential Zoning District regulations, however, where those regulations directly conflict from the provisions and requirements of the "Age-Qualified Development Overlay District", the Overlay's provisions and requirements shall govern and apply.
- (7) An Age-Qualified Development shall execute a Declaration of Covenants restricting residency to households where at least one owner is over the age of fifty-five years.

**§ 230-259. Use regulations.**

A building or group of buildings may be erected, altered or used, or a lot may be used or occupied for one principal use for any of the following purposes:

- A. Single-family detached dwelling.
- B. Twin dwelling.
- C. Townhouses.
- D. Accessory structures and uses customarily incidental to single-family detached dwellings, such as storage sheds, shall be permitted provided the provisions of all other applicable ordinances are complied with. Accessory structures are prohibited for twin dwellings and townhouses.
- E. Recreation uses and common facilities predominately for the use of the residents of the development, including, but not limited to, a clubhouse, swimming pool, tennis courts, walking trails.

- F. No-impact home-based businesses in accordance with the standards set forth in § 230-23.

**§ 230-260. Development regulations.**

- A. Common Open Space. At least 40% of the gross area of the tract shall be set aside as common open space.
- B. Density. The total number of dwelling units in an Age-Qualified Development shall not exceed 3.5 dwelling units per acre of developable area.
- C. Building Area. Not more than 20% of the tract area may be occupied by buildings.
- D. Impervious Surface. Not more than 40% of the tract area may be covered by buildings, parking lots, vehicular access ways, or other impervious material.
- E. Setback from tract boundary. No buildings or structures shall be located closer than 75 feet to any tract boundary regardless of whether that boundary abuts a lot, water body, road or other right-of-way. This provision shall not apply if the boundary is between lots developed under the “Age-Qualified Development Overlay District” and part of the same homeowner’s association on the adjoining lot(s).

**§ 230-261. Area and height regulations.**

For all permitted buildings and uses, the following regulations shall apply. Dwelling units may be lotted out on fee simple lots. Where fee simple lots are not created, including but not limited to developments as planned communities or condominiums, equivalent setback areas, lot areas, and dimensions shall be provided for such units.

- A. Single-family dwelling
  - (1) Lot size. A lot area of not less than 7,000 square feet shall be provided for each single-family dwelling.
  - (2) Lot width. A lot width of not less than 60 feet shall be provided at the building line.
  - (3) Yard requirements.
    - (a) Front yard. There shall be a front yard on each street on which the lot abuts, the depth at which shall be 25

feet.

(b) Side yards. There shall be two side yards a minimum of 7.5 feet each.

(c) Rear yard. There shall be a minimum rear yard of 25 feet.

(4) Height. The height shall not exceed 35 feet.

B. Twin dwelling

(1) Lot size. A lot area of not less than 5,000 square feet shall be provided for each twin dwelling.

(2) Lot width. A lot width of not less than 40 feet shall be provided at the building line.

(3) Front yard. There shall be a front yard on each street on which the lot butts, the depth of which shall not be less than 25 feet.

(4) Side yards. There shall be a minimum side yard of not less than 12.5 feet.

(5) Rear yard. There shall be a minimum rear yard of not less than 25 feet.

(6) Distance between buildings.

(a) Front to front not less than 60 feet.

(b) Rear to rear not less than 50 feet.

(c) Side to side not less than 25 feet.

(d) Side to front/rear not less than 35 feet.

(7) Height. The height shall not exceed 35 feet.

C. Townhouses

(1) Lot size. A lot area of not less than 3,000 square feet shall be provided for each townhouse.

(2) Lot width. A lot width of not less than 28 feet shall be provided at the building line.

(3) Front yard. There shall be a front yard on each street on which the lot abuts, the depth of which shall be not less than 25 feet.

(4) Side yards. There shall be a minimum side yard of not less than 12.5 feet (for end units).

(5) Rear yard. There shall be a minimum rear yard of not less than 25 feet.

(6) Distance between buildings.

(a) Front to front not less than 60 feet.

(b) Rear to rear not less than 50 feet.

(c) Side to side not less than 25 feet.

(d) Side to front/rear not less than 35 feet.

(7) Height. The height shall not exceed 35 feet.

(8) Number of units. The maximum number of dwelling units attached in a row shall be 4.

D. Accessory structures. No permitted accessory structures shall be permitted in the front yard or be closer than 5 feet to any individual single-family detached dwelling lot line. Accessory structures are not permitted for twin-dwellings or townhouses and shall not exceed the maximum height contained in Section 230-16 of this Chapter.

E. Encroachments. Uncovered patios and uncovered decks on a single-family detached dwelling lot may encroach into a required rear yard no more than 10 feet.

## **§ 230-262. Recreation Requirements**

- A. Age-Qualified Developments shall include both active and passive recreation areas. Such areas may include indoor and outdoor recreation.
- (1) Active recreation uses, with the exception of walking trails, shall not be closer than 100 feet to any dwelling.
  - (2) No less than 5% of the minimum required open space shall be active recreation including but not limited to; a clubhouse, swimming pool, game courts, walking trails or exercise courses. Parking areas for recreational facilities shall not count toward this requirement. This requirement may be achieved by considering active recreation on an adjoining Age-Qualified Development if included within the same homeowner's association.
- B. Age-Qualified Developments shall include a clubhouse and/or a community building. Such buildings shall have a minimum gross floor area of 10,000 square feet.

## **§ 230-263. Buffer and Landscaping Requirements.**

- A. A 75 foot wide perimeter buffer shall be required. This perimeter buffer may not be part of the yard setbacks.
- (1) Efforts shall be made to retain as much of the existing, mature and healthy vegetation as possible. When the existing vegetation needs supplementation, berms and other plan materials shall be added in accordance with §198-39.
  - (2) Buffers shall create a visual screen and consist of a variety of landscape elements, including but not limited to; evergreen and deciduous plants, berms or fencing designed to the satisfaction of the Township Council.
  - (3) Walking trails may be located within the perimeter buffer.
  - (4) Buffers shall not apply to common property lines of parcels utilizing the Age-Qualified Overlay development option when all parcels are part of the same home owners' association.

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**SECTION 3. Repeal and Ratification.**

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms of this Ordinance are hereby specifically repealed. Any other terms and provisions of the Township's Code unaffected by this Ordinance are hereby reaffirmed and ratified.

**SECTION 4. 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 affect, and for this reason the provisions of this Ordinance shall be severable.

**SECTION 5. Effective Date.**

This Ordinance shall become effective 5 days after enactment.

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**ORDAINED AND ENACTED** this 14<sup>th</sup> day of February, 2018, by the Horsham Township Council.

**HORSHAM TOWNSHIP COUNCIL**

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Gregory S. Nesbitt, Esq., *President*

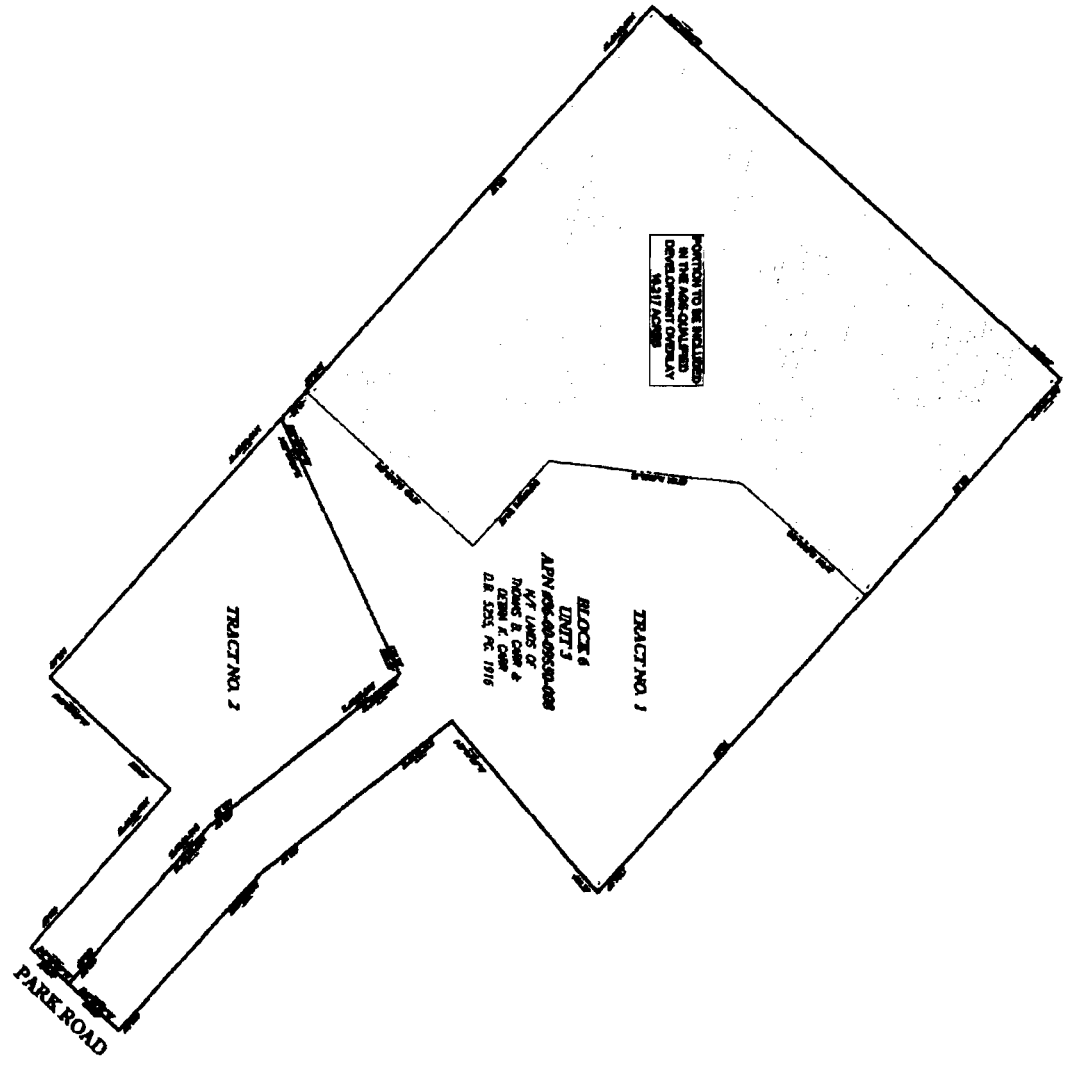
[Seal]

Attested by:

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William T. Walker  
*Secretary*

# EXHIBIT “A”



<p><b>BOHLER ENGINEERING</b></p> <p>10000 E. 15th Ave., Suite 200 Denver, CO 80202 Tel: 303.733.8800 Fax: 303.733.8801 www.bohler-engineering.com</p>	<p><b>RE-ZONING EXHIBIT</b></p> <p>OF 1</p> <p>NOVEMBER 1, 2017 (13)</p>	<p><b>CALL SERVICES FOR INFO</b></p> <p>BOHLER ENGINEERING 10000 E. 15th Ave., Suite 200 DENVER, CO 80202 TEL: 303.733.8800 FAX: 303.733.8801</p>	<p><b>NOT APPROVED FOR CONSTRUCTION</b></p> <p>THIS EXHIBIT IS NOT APPROVED FOR CONSTRUCTION. ANY CONSTRUCTION OF THIS PROJECT SHALL BE IN ACCORDANCE WITH THE APPLICABLE ZONING ORDINANCES AND THE CITY OF DENVER'S SUBDIVISION MAP ACT.</p>	<p><b>EMERSON LAND USE</b></p> <p>APN 12, 8, 800 &amp; 8000 EMERSON TOWNSHIP PROBATION COUNTY, MINNESOTA</p>	<p><b>BOHLER ENGINEERING</b></p> <p>10000 E. 15th Ave., Suite 200 DENVER, CO 80202 TEL: 303.733.8800 FAX: 303.733.8801</p> <p><b>GJ HARTMAN</b></p> <p>REGISTERED PROFESSIONAL ENGINEER NO. 40796 STATE OF MINNESOTA</p>
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New Britain Corporate Center  
1600 Manor Drive, Suite 210  
Chalfont, PA 18914  
Tel. 215.712.9800  
Fax. 215.712.9802  
www.cpasurvey.com

December 13, 2017  
02-150369-00

**METES AND BOUNDS DESCRIPTION  
AREA TO BE INCLUDED IN THE AGE-QUALIFIED  
DEVELOPMENT OVERLAY  
PART OF UNIT 3, BLOCK 6  
APN #36-00-09550-008  
LANDS NOW OR FORMERLY  
THOMAS B. CARR &  
DEBRA K. CARR  
HORSHAM TOWNSHIP, MONTGOMERY COUNTY  
COMMONWEALTH OF PENNSYLVANIA**

BEGINNING AT A POINT ON THE WESTERLY LINE OF UNIT 3, BLOCK 6, LANDS NOW OR FORMERLY CARR, SAID POINT BEING DISTANCE THE FOLLOWING THREE (3) COURSES AND DISTANCES FROM THE TITLE LINE IN THE BED OF PARK ROAD:

THE FOLLOWING THREE (3) COURSES AND DISTANCES ALONG THE WESTERLY LINE OF UNIT 3, BLOCK 6:

- A. NORTH 48 DEGREES - 00 MINUTES - 00 SECONDS WEST, A DISTANCE OF 400.00 FEET TO A POINT, THENCE;
- B. SOUTH 43 DEGREES - 00 MINUTES - 00 SECONDS WEST, A DISTANCE OF 300.00 FEET TO A POINT, THENCE;
- C. NORTH 48 DEGREES - 00 MINUTES - 00 SECONDS WEST, A DISTANCE OF 725.36 FEET TO THE TRUE POINT AND PLACE OF BEGINNING AND FROM SAID POINT OF BEGINNING RUNNING, THENCE;
1. ALONG THE WESTERLY LINE OF UNIT 3, BLOCK 6, NORTH 48 DEGREES -00 MINUTES - 00 SECONDS WEST, A DISTANCE OF 978.39 FEET TO A POINT, THENCE;
2. ALONG THE NORTHERLY LINE OF UNIT 3, BLOCK 6, NORTH 42 DEGREES -45 MINUTES - 00 SECONDS EAST, A DISTANCE OF 1050.00 FEET TO A POINT, THENCE;
3. ALONG THE EASTERLY LINE OF UNIT 3, BLOCK 6, SOUTH 47 DEGREES -35 MINUTES - 45 SECONDS EAST, A DISTANCE OF 551.85 FEET TO A POINT, THENCE;

THE FOLLOWING FOUR (4) COURSES AND DISTANCES ALONG A LINE RUNNING THROUGH UNIT 3, BLOCK 6:

4. SOUTH 43 DEGREES -00 MINUTES - 00 SECONDS WEST, A DISTANCE OF 316.69 FEET TO A POINT, THENCE;
5. SOUTH 07 DEGREES -00 MINUTES - 23 SECONDS WEST, A DISTANCE OF 365.08 FEET TO A POINT, THENCE;

Corporate Headquarters 35 Technology Drive, Warren, NJ 07059 Tel: 908.668.0099 Fax: 908.668.9595

**Professional Land Surveying, Geospatial and Consulting Services**



# CONTROL POINT ASSOCIATES, INC.

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December 13, 2017  
02-150369-00  
Horsham Township, Montgomery County, PA  
Page 2

- 6. SOUTH 48 DEGREES -00 MINUTES - 00 SECONDS EAST, A DISTANCE OF 216.48 FEET TO A POINT, THENCE;
- 7. SOUTH 43 DEGREES -00 MINUTES - 00 SECONDS WEST, A DISTANCE OF 430.36 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 793,546 SQUARE FEET OR 18.217 ACRES

THIS PROPERTY SUBJECT TO RESTRICTIONS, COVENANTS AND/OR EASEMENTS EITHER WRITTEN OR IMPLIED.

THIS DESCRIPTION WAS WRITTEN BASED UPON A MAP ENTITLED "EXHIBIT PLAN, ENVISION LAND USE, UNIT 3, BLOCK 6, APN #36-00-09550-008, HORSHAM TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, RE-ZONING EXHIBIT", PREPARED BY BOHLER ENGINEERING, DATED 12/13/2017, PROJECT NO. PC151239, SHEET 1 OF 1.

CONTROL POINT ASSOCIATES, INC.

12/13/2017

JAMES C. WEID, P.E. DATE

COMMONWEALTH OF PENNSYLVANIA

PROFESSIONAL ENGINEER SU075250

S:\15\02-150369-001-Limekiln Golf Club-Ambler-PA-JAA\160\12-13-17\160 AREA TO BE REZONED.docx  
PREPARED BY: JAA  
REVIEWED BY: JAC