

**BOARD OF SUPERVISORS
WORCESTER TOWNSHIP**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2012-234

"Transferable Development Rights Ordinance"

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WORCESTER, CHAPTER 150 (ZONING) TO ADD A NEW ARTICLE XXIX ENTITLED "TRANSFERABLE DEVELOPMENT RIGHTS" TO PROVIDE A MECHANISM FOR LANDOWNERS TO SEVER AND CONVEY THEIR RIGHT TO DEVELOP LAND SEPARATELY FROM THE UNDERLYING LAND AND SETTING FORTH THE PURPOSE AND AUTHORITY FOR SUCH SEVERANCE AND CONVEYANCE AS WELL AS DEFINITIONS AND REGULATIONS RELATED TO THE SENDING DISTRICT; THE RIGHT TO TRANSFER DEVELOPMENT RIGHTS; THE CALCULATION OF DEVELOPMENT RIGHTS; APPLICATION FOR A TRANSFERABLE DEVELOPMENT RIGHTS CERTIFICATE; THE SUBDIVISION OF SENDING PARCELS; THE CONVEYANCE OF TRANSFERABLE DEVELOPMENT RIGHTS; DEEDS OF TRANSFERABLE DEVELOPMENT RIGHTS; DECLARATIONS OF RESTRICTIVE COVENANTS; APPLICATION OF TRANSFERABLE DEVELOPMENT RIGHTS; PUBLIC ACQUISITION OF TRANSFERABLE DEVELOPMENT RIGHTS; AND AMENDMENT AND/OR EXTINGUISHMENT.

The Board of Supervisors of Worcester Township does hereby **ENACT** and **ORDAIN**:

SECTION I. – Amendment to Code

The Code of the Township of Worcester, Chapter 150 (Zoning) is hereby amended to add the following new Article XXIX entitled "Transferable Development Rights":

**ARTICLE XXIX
Transferable Development Rights**

§150-236. Purposes and authority.

A. The purposes of this ordinance are to:

- (1) Accomplish two important goals in Worcester's Open Space and Comprehensive Plans: (1) the preservation of farmland and open space, and (2) the preservation and enhancement of the rural character of Worcester Township.
 - (2) Preserve open space, scenic views, critical habitat, and sensitive resources areas, and conserve agriculture and forestry uses of land;
 - (3) Retain open areas in which healthful outdoor recreation can occur;
 - (4) Ensure that landowners may make reasonable use of their property rights by providing a mechanism for landowners to sever and convey their right to develop the land separately from the underlying land;
 - (5) Provide a mechanism whereby Development Rights may be reliably transferred; and
 - (6) Effectively achieve the land use planning goals identified in Worcester Township's Comprehensive Plan while preserving existing property rights.
- B. This ordinance is enacted pursuant to the authority granted by § 603(c)(2.2) and 619.1 of the Pennsylvania Municipalities Planning Code, under the terms of which Development Rights are acknowledged to be severable and separately conveyable from the underlying Sending Parcel. Compliance with the provisions of this chapter shall be a prerequisite to the use of the transfer of Development Rights option.

§150-237. Definitions.

Development Rights -- The rights of the owner of a parcel of land, under land development regulations, to use that parcel at a particular density for residential uses.

Receiving District -- A district in which the Development Rights of parcels in the Sending District may be used pursuant to the regulations of Worcester's Zoning Ordinance. One or more Receiving Districts may be established by separate ordinance.

Receiving Parcel -- A parcel of land in a Receiving District on which a specified increased density and/or intensity of use is allowed by reason of an ordinance permitting the transfer of Development Rights to that parcel.

Sending District -- One or more districts from which the Development Rights of eligible parcels may be severed pursuant to the regulations of this Chapter.

Sending Parcel -- A parcel of land in the Sending District which is eligible for and is the subject of a transfer of Development Rights whereby the owner of the parcel severs all or a portion of the right to develop residential lots on the parcel, and on which those rights, once severed and conveyed, are extinguished and may not be used on that parcel by reason of the transfer of Development Rights.

Transfer of Development Rights -- The procedure prescribed by this ordinance whereby the owner of a parcel in the Sending District severs and conveys Development Rights such that the Development Rights so conveyed are extinguished on the Sending Parcel and are held by a Transferee and, subject to applicable approvals, may be used on a Receiving Parcel.

Transferee -- The person or legal entity (including nonprofit organizations and municipalities or their agencies), including a person or legal entity that owns property in a Receiving District, which acquires transferable Development Rights in any manner permitted by this Ordinance.

Transferor -- The owner of a Sending Parcel, or the subsequent seller/grantor of Transferable Development Rights.

§150-238. Sending District.

- A. The AGR and LPD zoning districts shall constitute the Sending District. Parcels or portions of parcels 30 acres or more in size which are located in the Sending District and are not part of an overlay district shall be eligible for a transfer of Development Rights.
- B. Adjacent parcels (including parcels separated by a road) under 30 acres in size which are held in the same ownership and which would otherwise qualify as Sending Parcels may be aggregated in size in order to qualify.
- C. Parcels owned by federal, state, county, or municipal governments or agencies shall not be eligible for a transfer of Development Rights.
- D. Parcels owned by a public utility and used for transmission or generation purposes shall not be eligible for a transfer of Development Rights.

§150-239. Right to Transfer Development Rights.

- A. A Transferor shall have the right to sever Development Rights from a parcel in a Sending District and to retain, retire, sell, trade, grant, devise, bequeath, or barter all or a portion of those rights, consistent with the purposes of Section 150-236.A above and pursuant to the requirements of this Chapter.
- B. A Transferee may retire Development Rights, resell them, or apply them to property in a Receiving District in order to obtain approval for development at an intensity of use greater than would otherwise be

allowed, up to the maximum density or intensity allowed with Transferable Development Rights (TDRs) as permitted by any ordinance that shall establish a Receiving District.

- C. TDRs may be transferred from a Sending Parcel to a Receiving Parcel as provided by any ordinance establishing a Receiving District. TDRs may be used only on a parcel in a designated Receiving District, up to the maximum density or intensity allowed with TDRs as permitted by an ordinance that shall establish a Receiving District.
- D. Any application of TDRs pursuant to this ordinance is authorized only to utilize the option(s) specified in the ordinance establishing the Receiving District and shall not alter or waive the development standards of the Receiving District, including standards for floodplains, wetlands, and other environmentally sensitive areas, unless specifically set forth in the ordinances governing the Receiving District, nor shall it allow a use otherwise prohibited in a Receiving District. Approval of a transfer of Development Rights shall not constitute approval of the proposed use.
- E. The certification and conveyance of TDRs are accomplished solely on a voluntary basis. Landowners are in no way compelled to sever or convey their Development Rights. If conveyances occur, they shall be accomplished according to the requirements of this Chapter. Unconveyed TDRs may be transferred with the underlying land or separately, subject only to the limitations of Pennsylvania law.

§150-240. Calculation of Development Rights.

Transferable Development Rights shall be calculated on a Sending Parcel as follows:

- A. Determine the Lot Area of the Sending Parcel as defined in §150-9, "Lot Area Calculation." The most accurate data available, in the opinion of the Township Engineer, shall be used to calculate Lot Area. For purposes of this Section, the calculation of Lot Area shall not require a field survey to delineate wetlands, steep slopes, and other natural features, subject to review and approval by the Municipal Engineer.
 - (1) Land previously restricted from development by covenant, easement (whether of record or visible upon the ground), deed restriction, or other legal agreement or operation of law shall not be included in any calculation of TDRs.
 - (2) Preferential tax assessment shall have no effect on the calculation of TDRs.
- B. Divide the Lot Area by the minimum lot size according to the parcel's zoning. Round down to the nearest whole number.

- C. Subtract one Development Right for each existing dwelling unit on the Sending Parcel(s). For each separate parcel that has no existing dwelling unit, subtract one Development Right to be retained for future use as a Dwelling Unit, except in the case of the transfer of 100% of the underlying fee interest to a government entity or 501(c)(3) organization for use as passive open space.
- D. Subtract one Development Right for each 1000 square feet or less of building footprint for all nonresidential or nonagricultural buildings on the property, whether permitted or nonconforming.
- E. The resulting number equals the number of TDRs that shall be certified for the Sending Parcel.

§150-241. Application for Transferable Development Rights Certificate.

- A. An application for a Transferable Development Rights (TDR) certificate shall include 10 copies of:
 - (1) A certificate of title for the Sending Parcel prepared by an attorney licensed to practice law in Pennsylvania, which shall include a title search of the Sending Parcel sufficient to determine all owners of the Sending Parcel and all lienholders, and all easements and other encumbrances;
 - (2) An accurate legal description of the Sending Parcel;
 - (3) A plan of the Sending Parcel showing:
 - (a) The property boundaries, as established by a boundary survey;
 - (b) All buildings and utility structures on the property, whether above-ground or underground, the footprints of all nonresidential and nonagricultural buildings, and all easements visible on the ground;
 - (c) The locations and areas of features required to calculate the Lot Area and the number of TDRs available on the Sending Parcel; and
 - (d) A table showing the number of TDRs available on the Sending Parcel and the calculations supporting their determination, in accordance with section 150-240 above;
 - (4) Such additional information required by the Zoning Officer as may be necessary to determine the number of Development Rights that qualify for certification; and

- (5) Applicable fees.
- B. Upon receipt of a complete application as required above, the Zoning Officer shall determine the number of Development Rights attributable to the Sending Parcel. The Zoning Officer shall also determine, with the advice of the Township Solicitor and/or the Township Engineer, the sufficiency of the plan of the Sending Parcel showing the number of TDRs available on the Sending Parcel and the calculations supporting their determination. The Zoning Officer may request such additional information as may be necessary to accurately determine the number of Development Rights attributable to the Sending Parcel. The Zoning Officer shall inform the Transferor and Transferee (if applicable) of such determination in writing. Any appeals from the determination of the Zoning Officer shall be made in accordance with the provisions of § 150-217 of this Chapter.
- C. Upon approval of the Transferor's application, the Zoning Officer shall issue a TDR certificate to the Transferor. The Zoning Officer shall maintain permanent records of all certificates issued, deeds of transfer and restrictive covenants recorded, and Development Rights retired, transferred to a Receiving District, or otherwise extinguished.
- D. A TDR certificate shall include the following information:
 - (1) The name of the Transferor;
 - (2) A legal description of the Sending Parcel to which the calculation of Development Rights is applicable;
 - (3) A statement of the number of Development Rights eligible for transfer;
 - (4) The date of issuance;
 - (5) The signature of the Zoning Officer; and
 - (6) The serial number(s) assigned by the Zoning Officer.
- E. A TDR certificate shall remain valid regardless of transfer of ownership of the Sending Parcel.

§150-242. Subdivision of Sending Parcel.

- A. A TDR certificate shall automatically become null and void upon recording of a fully approved subdivision or land development plan for all or part of the Sending Parcel, except for a simple lot line change or reverse subdivision which does not, in the opinion of the Zoning Officer, after consultation if necessary with the Township Engineer, result in a decrease in the number of TDRs already certified on the Sending Parcel.
 - (1) If a Sending Parcel is split zoned such that less than 100 percent of the parcel is located in the Sending District, a subdivision or land development plan that involves only the portion of the Sending Parcel which is not located in the Sending District will not void a TDR certificate, provided that no portion of the Sending Parcel that is located in the Sending District is used for any purpose in the subdivision or land development plan, including buffering, open space, and setback requirements.
- B. If the Sending Parcel retains one Development Right for the construction of a dwelling unit, the application for a building permit for that dwelling unit shall not void the TDR certificate.

§150-243. Conveyance of TDRs.

- A. Upon receipt of a TDR certificate from the Zoning Officer, the Transferor and the Transferee may present the Township with the Deed of Transferable Development Rights for endorsement as required by section 619.1(c) of the Pennsylvania Municipalities Code.
- B. No Deed of Transferable Development Rights shall be so endorsed until the Township is presented with evidence that a Declaration of Restrictive Covenants for the same number of Development Rights on the Sending Parcel has been approved by the Township and recorded with the Montgomery County Recorder of Deeds. In lieu of presentation of proof of recording the Declaration of Restrictive Covenants, the fully executed Declaration of Restrictive Covenants may be presented to the Township when the Deed of Transferable Development Rights is presented for endorsement, and the Township, at the applicant's expense, shall record both documents.
- C. If less than the total number of TDRs certified on the Sending Parcel are to be conveyed, the portion of the Sending Parcel from which the TDRs are to be transferred shall be clearly identified on a plan of the entire parcel, drawn to scale, the accuracy and sufficiency of which shall be satisfactory to the Township staff, Engineer, and Solicitor. Such plan shall include a notation of:
 - (1) The number of TDRs applicable to the entire parcel;

- (2) The number of TDRs applicable to the identified portion of the parcel from which the TDRs are to be severed; and
- (3) The number of TDRs that remain available on the remaining portion of the Sending Parcel.

The acreage to be restricted because of the severance of TDRs shall be contiguous and shall not extend less than 75 (seventy-five) feet in the narrowest dimension at any point, except for such lands specifically serving as trail links. The portion of the parcel which will not be restricted shall be usable, in the reasonable opinion of the Township, its Solicitor, and its Engineer, under the use, area, dimensional, performance and other standards of the applicable zoning ordinance, and shall be one contiguous area.

§150-244. Deed of Transferable Development Rights.

All Deeds of Transferable Development Rights shall be endorsed by the Township prior to recording, as required by section 619.1 of the Municipalities Planning Code. All Deeds shall conform to the requirements of this Section.

- A. An instrument of original transfer is required when Development Rights are initially separated from a Sending Parcel. It shall contain the following information:
 - (1) A legal description of the Sending Parcel prepared by a licensed surveyor or engineer named in the instrument;
 - (2) The serial numbers of the TDRs to be conveyed, as assigned on the TDR certificate described in §150-241 above; the parcel number(s) from which the Development Rights are being severed; and the parcel number(s) to which the Development Rights are being transferred, if applicable;
 - (3) A covenant indicating the number of Development Rights, if any, remaining on the Sending Parcel.
 - (4) A covenant that all provisions of the instrument of original transfer shall run with and bind the Sending Parcel and may be enforced by Worcester Township and any other party given a right of private action under this Chapter; and
 - (5) Any additional information required by the Recorder of Deeds.
- B. A deed of Transferable Development Rights, other than an instrument of original transfer, need not contain a legal description of the Sending Parcel.

- C. Any Deed of Transferable Development Rights shall contain:
- (1) The names of the Transferor and the Transferee;
 - (2) A covenant that the Transferor grants and assigns to the Transferee and the Transferee's heirs, successors, and assigns a specific number of Development Rights from the Sending Parcel;
 - (3) A covenant by which the Transferor acknowledges that s/he has no further use or right of use with respect to the Development Rights being transferred;
 - (4) The serial numbers of the TDRs, as assigned in the Transfer of Development Rights certificate described in §150-241 above, which are being transferred in this transaction; and
 - (5) Any additional information required by Worcester Township or the Recorder of Deeds.
- D. All Deeds submitted to the Township for endorsement shall be accompanied by:
- (1) As to a deed of original transfer, a title search of the Sending Parcel sufficient to determine all owners of the Sending Parcel and all lienholders, all easements and other encumbrances, and any other claims against the property; and a legal opinion of title, which shall meet the reasonable approval of the Township Solicitor, affirming that the Development Rights being transferred by the Deed have not previously been severed from the Sending Parcel.
 - (2) As to a deed other than a deed of original transfer, a title search of the Development Rights sufficient to establish the Transferor's legal right and ability to transfer the Development Rights that are the subject of the transaction.
 - (3) Every title report shall be prepared within 10 (ten) days of submission of the Deed to the Township and shall be updated by the applicant immediately prior to endorsement of the Deed by the Township.

§150-245. Declaration of Restrictive Covenants.

- A. The owner conveying TDRs from the Sending Parcel shall, by a Declaration of Restrictive Covenants, perpetually restrict the Sending Parcel, or the portion thereof from which TDRs are conveyed, from future development. Such Declaration shall be in a form approved by the Township Solicitor and shall restrict future use of the Sending Parcel or

the applicable portion thereof to passive open space or Agriculture as the principal use.

- B. Every Declaration of Restrictive Covenants shall designate the Township, and/or a bona fide nonprofit conservation organization acceptable to the Township at its sole discretion, as a beneficiary of the restrictions imposed upon the Sending Parcel. Such restrictions shall be enforceable by the Township and the nonprofit conservation organization, if so designated in the Declaration. The Township shall hold the rights granted by the Declaration of Restrictive Covenants as trustee for all of the residents of the Township, in recognition of the right of the people to the preservation of the natural, scenic, historic and aesthetic values of the Township and in further recognition of the fact that these resources are the common property of the residents of the Township, including generations yet to come. The Declaration shall also designate any owner of real property in Worcester Township as having separate and independent enforcement rights with respect to the restrictive covenant.
- C. Land from which TDRs have been conveyed shall continue to be owned, subject to said restrictions, by the landowner, his/her/its heirs, executors, administrators, successors, and/or assigns.
- D. Where Development Rights are to be conveyed from less than the entire Sending Parcel, the plan prepared in accordance with § 150-243.C above shall be attached to and recorded with the Declaration of Restrictive Covenants. The portion of the parcel from which the Development Rights are transferred shall be clearly identified on the plan. Such plan shall also include a notation of the number of Development Rights applicable to the entire parcel, the number of Development Rights applicable to the identified portion of the parcel from which the Development Rights are to be severed, and the number of Development Rights which remain available to the remaining portion of the parcel.
- E. All owners of the Sending Parcel from which TDRs are conveyed shall execute the Declaration of Restriction of Development. All lienholders of the Sending Parcel shall execute a Subordination to the Declaration of Restriction of Development.
- F. The Declaration of Restriction of Development shall provide that no portion of the Sending Parcel used to calculate the number of Development Rights to be transferred shall be used to satisfy minimum yard setbacks, lot area requirements, open space requirements, parkland set-aside requirements, or any other SALDO or Zoning Ordinance requirement for any Development Rights that are to be retained or for any other development anywhere in the Township.

- G. Should any governmental unit or agency, or a nonprofit organization whose mission is to preserve land and/or habitat, acquire ownership of a Sending Parcel, the land may be used for passive recreational purposes that are compatible with the conservation of open space and preservation of natural habitat and viewsheds.

§150-246. Application of Transferable Development Rights.

When TDRs have been acquired or are under Agreement of Sale to be acquired by a Transferee and are proposed to be used in a Receiving District, the following shall apply:

- A. Application materials. In addition to any material required by the ordinance establishing the Receiving District and the SALDO and Zoning Ordinance of Worcester Township, the applicant shall submit 10 copies of:
- (1) A preliminary subdivision and/or land development plan, prepared in accordance with the Subdivision and Land Development Ordinances of Worcester Township. In addition to all other required information, the preliminary plan must indicate (1) that TDRs are to be used; (2) the base permitted density or intensity of use allowed for the property under the Subdivision and Land Development and Zoning Ordinances and the maximum permitted density or intensity of use permitted with TDRs under the Zoning Ordinance; and (3) the number of TDRs to be applied to the project.
 - (2) The deed or Agreement of Sale for TDRs between (1) the owner of the Sending Parcel on which TDRs have been certified, or the owner of TDRs that have been previously severed from a Sending Parcel, as evidenced by a recorded deed of transfer of Development Rights, and (2) the owner or equitable owner of the Receiving Parcel proposed to be developed with the TDRs. The agreement may be contingent upon approval of a final subdivision or land development plan for the Receiving Parcel.
 - (3) A copy of the TDR certificate.
 - (4) If the Transferor is not the owner of the Sending Parcel, a title search on the TDRs.
- B. Review, approval and recording of TDRs applied to lands within a Receiving District. No final plan for any subdivision or land development which utilizes TDRs shall be executed on behalf of the Township until the Township has been presented with a copy of the recorded Deed of Transferable Development Rights and the recorded Declaration of Restrictive Covenants with the customary recording information of the

Office of the Recorder of Deeds of Montgomery County clearly endorsed thereon. In lieu of presentation of proof of recording the Declaration of Restrictive Covenants and the Deed of Transferable Development Rights, the fully executed Declaration of Restrictive Covenants may be presented to the Township with the Deed of Transferable Development Rights for approval and endorsement, and the Township shall execute and, if applicant so desires, at applicant's expense, shall record all documents.

§150-247. Public Acquisition of Transferable Development Rights.

The Township may purchase Development Rights and may accept ownership of Development Rights through transfer by gift or devise. All such Development Rights may be held, resold, or retired by the Township, subject to any restrictions in the deed of transfer or gift. Any such sale, gift, or devise shall be accompanied by the applicable, approved and recorded Declaration of Restriction of Development as specified in § 150-245 of this chapter.

§150-248. Amendment and/or Extinguishment.

Worcester Township reserves the right to amend this Ordinance in the future, and the Township expressly reserves the right to change the manner in which the number of Development Rights shall be calculated for a tract in any Sending District and the manner in which Development Rights can be conveyed. The Township further expressly reserves the right to terminate its TDR program at any time. No owner of land or owner of Development Rights shall have any claim against the Township for damages resulting from a change in this Ordinance relating to the regulations governing the calculation, transfer, or use of Development Rights or the abolition of the TDR program. If the TDR program is abolished by the Township, no party shall have the right to attach Development Rights to any tract in any Receiving District after the effective date of the ordinance abolishing the TDR program unless an application in conformity with the provisions of this Article was filed prior to the effective date of such ordinance and is thereafter continuously processed to approval, and, following such approval, a complete subdivision and/or land development application complying with such rights is thereafter filed within six (6) months from the date of such approval.

SECTION II. - Severability

The provisions of this Ordinance are intended to be 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, parts or provisions of this Ordinance. It is hereby

declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION III. - Failure to Enforce not a Waiver

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION IV. - Effective Date

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

SECTION V. - Repealer

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania, this 15th day of February, 2012.

WORCESTER TOWNSHIP

By: Arthur C. Bustard
Arthur C. Bustard, Chairman,
Board of Supervisors

Attest: F. Lee Mangan
F. Lee Mangan, Secretary

NOTICE

NOTICE is hereby given that the Board of Supervisors of Worcester, at its public meeting on February 15, 2012, at 7:30 p.m. at the Worcester Township Community Hall, 1031 Valley Forge Road, Fairview Village, Worcester, Pennsylvania, will hold a public hearing on and could vote to adopt an ordinance entitled "Transferable Development Rights Ordinance" amending the Code of the Township of Worcester, Chapter 150 (Zoning) to add a new Article XXIX entitled "Transferable Development Rights" to provide a mechanism for landowners to sever and convey their right to develop land separately from the underlying land and setting forth the purpose and authority for such severance and conveyance as well as definitions and regulations related to the sending district; the right to transfer development rights; the calculation of development rights; application for a transferable development rights certificate; the subdivision of sending parcels; the conveyance of transferable development rights; deeds of transferable development rights; declarations of restrictive covenants; application of transferable development rights; public acquisition of transferable development rights; and amendment and/or extinguishment.

Copies of the proposed Ordinance are available for examination during normal business hours at the offices of *Times Herald*, 410 Markley Street, Norristown, Pennsylvania 19404; the Montgomery County Law Library, Court House, Norristown, Pennsylvania 19401; and the Worcester Township Building, 1421 Valley Forge Road, Worcester, Pennsylvania 19490 where a copy of the proposed Ordinance and Map Amendment may be obtained for a charge not greater than the cost thereof.

**JAMES J. GARRITY, ESQUIRE
WISLER PEARLSTINE, LLP**

Solicitors for Worcester Township

**BOARD OF SUPERVISORS
WORCESTER TOWNSHIP**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2012-235

"Cedars Village Overlay District Ordinance and Map Amendment"

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WORCESTER, CHAPTER 150 (ZONING) TO ADD A NEW ARTICLE XXD ENTITLED "CEDARS VILLAGE OVERLAY DISTRICT" SETTING FORTH THE PURPOSE AND APPLICABILITY; PERMITTED USES; PROHIBITED USES; AREA AND BULK REGULATIONS; STANDARDS AND CRITERIA; APPLICATION OF TRANSFERABLE DEVELOPMENT RIGHTS; SIGN REGULATIONS; STREET ACCESS AND PARKING REGULATIONS; LANDSCAPING AND BUFFER REQUIREMENTS; AND LIGHTING REQUIREMENTS, AND AMENDING THE OFFICIAL ZONING MAP OF WORCESTER TOWNSHIP TO ADD THE "CEDARS VILLAGE OVERLAY DISTRICT" AS WELL AS THE CLASS 1 AND CLASS 2 DESIGNATIONS WITHIN SUCH DISTRICT TO CERTAIN SPECIFIC PROPERTIES IN THE "CEDARS" AREA OF THE TOWNSHIP, AS SHOWN ON THE ILLUSTRATIVE MAP ATTACHED TO THE ORDINANCE AS EXHIBIT "A" AND IDENTIFIED ON THE LIST OF PARCELS ON EXHIBIT "B".

The Board of Supervisors of Worcester Township does hereby **ENACT** and **ORDAIN**:

SECTION I. – Amendment to Code

The Code of the Township of Worcester, Chapter 150 (Zoning) is hereby amended to add the following new Article XXD entitled "Cedars Village Overlay District":

**ARTICLE XXD
Cedars Village Overlay District**

§150-146.18. Purpose; Applicability

- A. The Cedars Village Overlay District is intended to establish reasonable standards for a variety of residential and nonresidential uses within Cedars Village, in conformance with the following objectives:

- (1) Preserve and reuse the historic structures in Cedars Village, and provide for renovation and new construction that complement the existing desirable village characteristics of Cedars Village to the greatest extent possible.
 - (2) Permit a variety of uses that can be accommodated by existing types of structures, lot sizes, and other physical and visual attributes of properties in the district.
 - (3) Encourage development that is in keeping with the character of Worcester Township.
 - (4) Prohibit development of retail commercial uses that are typically high volume traffic generators, have a strip-type or highway-oriented commercial appearance, contain excessive amounts of paved areas or numerous access points, have incongruous architectural styles, or do not contribute to the historic character of the village.
 - (5) Encourage shared use of access driveways to reduce the total number of driveways, minimize the number of new driveways, and provide more efficient and safer access and traffic flow.
 - (6) Reduce the visual impact of parking and encourage adjoining properties to share parking.
 - (7) Provide safe and sufficient pedestrian access from along roadways and from parking areas to the various permitted uses in the village, and encourage the inclusion of trail connections to and throughout the village.
 - (8) Minimize visual and functional conflicts between residential and nonresidential uses within the district, and protect abutting residential districts from adverse impacts.
 - (9) Provide for public gathering space and public open space.
 - (10) Provide for a transfer of development rights receiving area from rural and agricultural preservation areas of the township into the village, to reduce development pressures on the rural and preservation areas of the township and provide additional development options in the villages, consistent with the goals above.
- B. The standards and requirements of the underlying district shall apply where the provisions of this overlay district do not. In the event of a conflict, the provisions of this district shall apply.

§150-146.19. Establishment of District

The Cedars Village Overlay District shall apply where indicated on the official zoning map of Worcester Township.

§150-146.20 Permitted Uses – Class 1

A. The following uses shall be permitted in compliance with the density and dimensional standards herein:

- (1) A building may be erected, altered, or used and a lot or premises may be used for any one of the following uses, in accordance with all use and dimensional regulations contained in this Article and all other applicable zoning ordinance requirements, and in conjunction with one single-family residential use in the same building or on the same lot.
 - (a) Antique shop, florist, tailor, dressmaker, newsstand or bookstore;
 - (b) Artisan or craft studio, or art/music/dance studio, including related retail sales;
 - (c) Shop for the repair for the following: shoes, antiques, jewelry, watches, clocks, optical good, furniture, computers, musical, professional or scientific instruments, bicycles, including related retail sales.
 - (d) By special exception: similar retail, repair, boutique and personal service shops normally characterized by low customer or traffic counts as shown in a letter from a licensed traffic engineer referring to the expected counts for the particular use as set forth in the latest edition of the ITE Manual.
- (2) Other sections of this ordinance notwithstanding, no property in the Class I district shall be allowed to increase density or intensity of use beyond the dimensional limitations set forth in section 150-146.21 below.

§150-146.21 Area & Bulk Regulations – Class 1

A. Yard Requirements:

Minimum Lot Area	30,000 square feet
Minimum Lot Width	100' Feet
Minimum Front Yard	50' Feet
Minimum Side Yard	25' Feet
Minimum Rear Yard	25' Feet
Maximum Allowable Building Coverage	15%
Maximum Impervious Coverage	40%

B. Standards & Criteria

- 1. All uses must be conducted and contained entirely within the building or outbuilding(s).
- 2. There shall be no exterior storage or display of goods and/or merchandise, except for nurseries and Christmas tree sales as allowed by the underlying district.

3. Non-residential uses on a lot shall not exceed 50% of the total building area.
4. There shall be no exterior storage of trash, refuse, or recycling. No roll-off containers or dumpsters shall be permitted on any Class I property.

§150-146.22 Use Regulations - Class 2

- A. By-right Uses. A building may be erected, altered, or used and a lot or premises may be used for any of the following uses, in accordance with all use and dimensional regulations contained in this Article and all other applicable zoning ordinance requirements.
- (1) One single family detached dwelling unit.
 - (2) Retail shops, such as antique shop, florist, newsstand, bookstore, hardware store, copy shop or printing shop, specialty food, grocery or produce store.
 - (3) Artisan or craft studio, or art/music/dance studio, exercise/ wellness facilities that do not require outdoor court facilities for sports or games, including related retail sales.
 - (4) Shop for the repair of the following: shoes, antiques, jewelry, watches, clocks, optical goods, furniture, computers, musical, professional or scientific instruments, or bicycles, including related retail sales.
 - (5) Barbershop, hairdresser, tailor, or dressmaker.
 - (6) Business or professional office, but excluding walk-in clinics.
 - (7) Financial institution or funeral home.
 - (8) Restaurant, tearoom, sandwich shop, ice cream parlor, coffee shop, bakery, or similar establishment serving specialty food or beverage subject to the following conditions.
 - (a) Outdoor dining areas shall be limited to 36 seats per establishment and shall be located at least 25' feet (measured from the edge of the hard surface on which tables and chairs are placed) from any other property utilized (even partially) for residential purposes at the time the outdoor dining is proposed.
 - (b) Outdoor dining areas shall be separated from any driveway, parking area, common area, or pedestrian walkway by removable structures such as planters, posts with ropes, etc., or by permanent structures such as bollards, half-walls or screens.

(c) Outdoor dining areas that are less than 150 feet (measured from the edge of the hard surface on which tables and chairs are placed) from any other property utilized (even partially) for residential purposes at the time the outdoor dining is proposed, shall be screened from such properties containing any residential use as follows:

[1] Landscape buffer: A screen as required by section 130-28.G (5) (f) of the Subdivision and Land Development Ordinance shall be maintained around the perimeter of the outdoor dining with a minimum width of 20' feet; or

[2] Fencing plus landscaping: A solid fence at least 8' feet in height plus a landscaping screen of at least five feet in width, as required by section 130-28G(5)(f) of the Subdivision and Land Development Ordinance shall be maintained around the perimeter of the outdoor dining area; or

[3] Buildings: The outdoor dining area may be considered screened if the area is situated such that one or more buildings (at least 10' feet in height) are located between the outdoor dining area and the residential property with no visual gaps as viewed from the first floor of the dwelling unit on that property.

[4] Any combination of the above.

(d) Permitted Hours of Service Sunday thru Thursday: 7am to 11pm

Friday thru Saturday: 7am to 12pm

(9) Pet services, including sales of goods, training, and grooming services, but excluding kennels, pet day care, and boarding.

(10) Post office.

(11) Museum or exhibit gallery.

(12) Municipal uses.

(13) Open space or village green.

(14) Temporary and seasonal outdoor events such as farmers markets, craft or art shows, sales of nursery stock or Christmas trees and antique car shows, but excluding fairs and carnivals (i.e. events involving amusement rides or games), in accordance with the following additional requirements:

(a) The minimum lot area shall be five (5) acres.

- (b) The event area shall be located at least 40' feet from any adjacent property.
 - (c) Public restrooms within a building or temporary toilet facilities shall be provided.
 - (d) Christmas tree sales shall be limited to one month prior to Christmas Day.
 - (e) Antique car shows shall be limited to 4 days per calendar year.
 - (f) Any such temporary or seasonal outdoor event shall require a special event permit from Worcester Township, in which the number and temporary construction design of adequate parking shall be stipulated.
- (15) Bed and breakfast establishment that meets the following additional requirements:
- (a) The minimum lot area shall be 30,000 sq. ft.
 - (b) There shall be no external alteration of the building except as may be necessary for safety requirements. Exterior stairways, when required for safe egress, shall be located, whenever practicable, to the rear of the building.
 - (c) There shall be no separate cooking or kitchen facilities in any guest quarters.
 - (d) The use of any amenities provided by the establishment, such as swimming pool or tennis courts, shall be restricted to the owners of the establishment and their guests, and guests staying at the establishment.
 - (e) A maximum of five (5) guest rooms or suites shall be permitted per establishment, with a maximum of fifteen (15) guests at the establishment at any one time. No guest shall stay longer than one (1) month, and no guest shall use or establish the property as his or her residence.
 - (f) Off-street parking shall be provided at the rate of one space for each guest room, plus one extra space for establishments with one to three guest bedrooms and two extra spaces for establishments with four or five guest bedrooms, in addition to the parking required for any other permitted use, including single-family residential use. Parking shall be located behind the main building and shall conform to the requirements of section 150-146.29 (Street Access and Parking) below.
 - (g) If the property is not served by public sewer, the applicant shall furnish a valid, current Montgomery County Department of Health permit demonstrating that the existing on-lot sewage disposal system is capable of handling the projected increased load. The total number of bedrooms (resident and guest) on the property shall not exceed the number of

bedrooms that the on-lot sewage disposal system is designed to accommodate. If the property is served by public sewer, the applicant shall submit documentation that the proposed use will be accommodated by the public sewer system, and that the appropriate number of EDUs for the uses on the property has been acquired.

- (h) All bed and breakfast establishments shall be subject to and shall demonstrate full compliance with all applicable multi-family building code and fire code requirements.

(16) By special exception: uses similar in size and anticipated traffic impact to those stores, shops, and uses set forth in subparagraphs 1-7 and 9-14 above.

B. Conditional Uses. A building may be erected, altered, or used and a lot or premises may be used for any of the following conditional uses, in accordance with all use and dimensional regulations contained in this Article and all other applicable requirements, including §150-215 for conditional uses. Supervisors shall consider the appropriateness of the site location and shall require the additional design standards set forth in this article and the standards set forth in Article 150-215, "Conditional Uses".

- (1) Two family or multi-family residential uses in an existing residential structure, with up to one additional dwelling unit permitted per existing structure and subject to all applicable, multi-family building code and fire code regulations. Additional dwelling units in existing structures and dwelling units in new structures or additions may be added using TDRs, as specified in §50-146.25 below, and subject to all applicable, multi-family building code and fire code regulations.
- (2) Bed and Breakfast establishment that provides more than five and up to ten guest rooms and meets all of the other additional requirements outlined in by-right use (15) above.
- (3) Historic buildings (buildings built before 1940) from elsewhere may be relocated to this district by conditional use, if such a building would otherwise be permissible on the lot, subject to the following standards:
 - (a) The building height of an historic building may be increased to 40' feet to allow for the relocation of that building, but the increased height limit shall apply only to the existing structure of that building at the time it is moved and not to future additions..
 - (b) In no case shall setbacks or limitations on total building coverage or total impervious coverage be exceeded except to the extent permitted by the use of TDRs in §150-146.25 below.
 - (c) The architectural style, scale, bulk, and design of the historic building proposed to be relocated shall be compatible with the goals of the Cedars Village Overlay Ordinance.

(4) Drive-through capability for any by-right or special exception use permitted in the Cedars Village Overlay which does not involve the sale of food or beverage. Such drive-through facilities shall be designed for safe and efficient ingress and egress to public roads; shall not be located in the front yard or in front of the primary use; and shall not unsafely interfere with any internal circulation plan within the Village.

C. Prohibited Uses. The following uses shall be prohibited in the Cedars Village Overlay District:

- (1) The repair and/or servicing of motor vehicles, equipment, or tools powered by an internal combustion engine.
- (2) The sale of items such as automobiles, trucks, motorcycles, farm equipment, boats, motorized recreational vehicles, trailers, and gasoline.
- (3) Outdoor display, sales or storage of materials or equipment, except for seasonal outdoor retail sales and plant nurseries.
- (4) Car washes.
- (5) Heliports.
- (6) Bulk storage, warehouses, mini-warehouses.
- (7) Adult uses.
- (8) Industrial uses.
- (9) Convenience food stores.
- (10) Sale and storage of building supplies.
- (11) Recreation facilities such as athletic clubs, arcades, batting, cages, indoor golf facilities, skating rinks, or skate parks.

§150-146.23 Area and Bulk Regulations – Class 2

The minimum lot area shall be 30,000 square feet, unless a larger lot area is specified in the use regulations above.

A. The minimum lot width shall be 80 feet.

B. Building setbacks:

- (1) The minimum front yard shall be 15 feet.
- (2) The minimum side yard shall be 15 feet.

- (3) The minimum rear yard shall be 25 feet.
 - (4) Lots that front on two streets shall have a front yard along each street, and there shall be one side yard and one rear yard.
 - (5) No accessory use or building shall be permitted within the front yard of any lot.
 - (6) Minimum spacing between buildings on the same lot shall be 20 feet for one-story and 30 feet for two-story buildings.
 - (7) Maximum building footprint shall be 6,000 square feet.
- C. Maximum building coverage shall be 15%.
 - D. Maximum impervious coverage shall be 45%.
 - E. For building lots of less than 80,000 square feet (net of road right of way) at the time of the adoption of this ordinance, the maximum building coverage shall be 20% and the maximum impervious coverage shall be 60%.
 - F. Maximum building height shall be 2.5 stories or 35' feet.
 - G. Nonconformity:
 - (1) Nonconforming lots and buildings. Any lawful lot or building, or the lawful use of any building, existing at the time this ordinance became effective that does not conform to lot area and width, building and impervious coverage, height, location, size, bulk or other regulations of the district in which it is located shall be considered a nonconforming building or lot and may continue as such in its present location, subject to all pertinent regulations governing nonconforming buildings in Article XXIII.
 - (2) Expansion of nonconforming lots and buildings. Any expansion (including extensions) of a nonconforming lot or building in the Cedars Village Overlay District beyond the percentage already permitted in Article XXIII shall only be permitted only where TDRs are used in compliance with §150-146.25 below and shall conform to the area, height, setback, width, and coverage requirements of this overlay district and all other applicable regulations.

§150-146.24 Additional Development Standards

- A. The use or storage of noxious, combustible, explosive or other materials in quantities that would endanger the health and safety of the occupants and surrounding residents is prohibited.
- B. Noise levels shall be controlled in accordance with Chapter 111 of the Worcester Township Code of Ordinances.
- C. Architectural Standards:
 - (1) Existing buildings, whether principal structures or outbuildings, constructed prior to 1940 shall be retained and reused on the property and may not be demolished

unless the applicant has demonstrated, to the reasonable satisfaction of the Board of Supervisors, that the buildings cannot be adapted or expanded and used for the use intended or for any other permitted use. Where demolition is permitted by the Board of Supervisors, the development or redevelopment of the property shall be undertaken in a manner that preserves the character of the Cedars Village Overlay District.

- (2) Expansion of an existing building constructed prior to 1940, if otherwise permissible, shall be allowed only to the sides and rear. Non-enclosed expansions, such as porches, decks, or covered entryways, shall be exempt from this prohibition.
 - (a) Any expansion shall conform in general appearance, scale, and building materials to the front façade of the existing building.
 - (b) Rooflines shall be similar to or complimentary to those of the existing building.
- (3) In addition to expansion, any alteration, renovation and reconstruction of an existing building and all new construction shall conform in general appearance, architectural features, scale and building materials to the existing structures in the historic village.
- (4) The applicant shall submit architectural drawings for evaluation of any proposed new construction, building expansion, renovation, or reconstruction, including building elevations and colored renderings. The Board of Supervisors may approve expansion, renovation, or reconstruction that is different from the existing building, provided that it complements the existing building and the other buildings in the Cedars Overlay District and does not detract from the intent of this Article to preserve and enhance the district's appearance.

D. The applicant shall establish by credible evidence:

- (1) That the proposed use or other subject of consideration for approval shall be properly serviced by available public or private utilities;
- (2) That the traffic generated by the proposed use or other subject of consideration for approval will be accommodated in a safe and efficient manner, or that improvements will be made in order to effect the same; and
- (3) That the proposed use or other subject of consideration for approval shall provide safe and appropriate pedestrian and bicycle access.

E. The applicant shall establish by credible evidence that the proposed use or other subject of consideration for approval shall be properly designed with regard to street access, pedestrian access, trail access (if applicable), internal circulation, parking, buffering and all other elements of proper design.

- F. Applications under this Article shall include architectural plans, including elevations, for any proposed buildings or additions/renovations to existing buildings.

§150-146.25 Application of Transferable Development Rights

- A. The Cedars Village Overlay Zoning District shall constitute a Receiving District for the transfer of Development Rights as provided in Article XXIX, Transferable Development Rights, §150-236 *et seq.*
- B. TDRs may be utilized on a parcel in the Receiving District as follows:
- (1) Non-Residential Uses. One TDR shall allow the owner or developer of the Receiving Parcel, an additional 6,000 square feet of impervious coverage area, in addition to that permitted in §150-146.23 (D). With regard to any additional impervious coverage area allowed by virtue of utilizing a TDR or TDR's, not more than one third of the additional impervious may be building footprint. By use of TDRs, building coverage may be increased to 20% and impervious coverage may be increased to 60% in Class 2. Any approval of the use of TDRs pursuant to this ordinance authorizes only an increase in maximum building footprint and/or maximum impervious coverage and shall not alter or waive the other development standards of the Receiving District.
 - (2) Residential Uses. Each TDR shall allow the owner or developer of the Receiving Parcel to add one residential dwelling unit to the parcel in conformance with the requirements, and subject to the limitations, of §150-146.22(B)(1) and the area and bulk regulations of §150-146.23..
 - (3) An application for the transfer of TDRs to a Receiving Parcel under this Article shall comply with all of the requirements set forth in Article XXIX, Transferable Development Rights, §150-236 *et seq*

§150-146.26 Signs

The signage on Class 1 properties and Class 2 properties limited to residential uses shall be regulated by section 150-148 of Article XXI of this Chapter. The signage on Class II properties containing a non-residential use or uses shall be regulated by section 150-150 of Article XXI of this Chapter.

§150-146.27 Street Access and Parking

- A. Driveways, off-street parking areas, and traffic circulation patterns shall be designed as shared facilities whenever feasible. The design of these elements shall create a unified site plan between lots, in order to gain parking efficiencies, reduce the number of access points, and improve internal and external vehicular circulation patterns.

- (1) Applicants shall seek agreements for shared vehicular access as the preferred to means for reducing the total number of curb cuts within the district for traffic safety and to eliminate unnecessary congestion. Access agreements, maintenance agreements, or other suitable legal mechanisms to accomplish shared access or shared parking shall be submitted to the township with the application for land development approval.
 - (2) Shared access may be located entirely on one lot or be split, equally or unequally, along a common lot line. Shared access along a common lot line shall be allowed regardless of driveway setback requirements in this Article.
 - (3) When two or more abutting lots share an access driveway to a street or road, that driveway shall be designed as the main access to those lots, and any additional existing access driveways to that same street or road shall be closed.
 - (4) Shared parking may be located along or across a common side or rear lot line, regardless of setback requirements in this Article.
 - (a) The required aggregate parking capacity may be reduced up to 25% by the Board of Supervisors, where shared parking allows greater efficiency for the uses proposed, subject to favorable review and recommendation by the Township Engineer.
- B. Where shared driveway access is not feasible, each lot shall have not more than one curb cut per street frontage for a two-way driveway for vehicular access. If sufficient room is not available for one two-way driveway, the Board of Supervisors may approve two curb cuts for two one-way driveways, subject to approval by PennDOT.
- C. Driveway widths, grades, and setbacks from intersections shall be regulated by §130-17 of the Subdivision and Land Development Ordinance.
- D. No parking areas shall be permitted within the front yard setback of any lot. Parking setbacks from side and rear property lines shall be the same as building setbacks with the exception of the portion of shared parking facilities which cross property lines. Parking spaces shall be set back a minimum of five feet from all buildings.
- E. Parking reserve areas may be approved by the Board of Supervisors in accordance with §150-159.
- F. Bicycle Storage. Sufficient area for the storage of bicycles shall be provided as approved by the Township Engineer, including racks or other permanently affixed storage devices, to accommodate one bicycle for each ten required vehicular parking spaces, at a minimum. Bicycle storage facilities may be held in reserve upon approval of the Board of Supervisors upon a finding that the requirements exceed the current need.

§150-146.28 Landscaping and Buffer Requirements.

- A. Landscaping. All areas of a developed or redeveloped lot not covered by building and/or impervious paving materials shall be maintained as landscaped areas containing trees, shrubs, ground cover materials, or hardscaping.
- B. Buffers. A screen buffer as provided in section 130-28.G.(5)(f) of the Subdivision and Land Development Ordinance shall be installed and maintained between all portions of a property proposing a new or expanded village overlay use and all adjacent residential properties which are within the Village Overlay but which contain only a single family residential use, or are not located within the Village Overlay District.
 - (1) The buffer shall have a minimum width of 10 feet from the property line, unless existing buildings are closer to the property line. For a property proposing a new or expanded village overlay use, when an existing building encroaches on the required setback, solid or semi-solid fencing and/or wall up to 10 feet in height may be used in conjunction with vegetative screening as needed to provide the necessary screening from any adjacent property within residential districts.
 - (a) A buffer planting is not required along those segments of internal lot lines where shared access and/or shared parking are located for village overlay uses.
 - (b) A buffer planting is not required along those segments of internal lot lines where the lots are owned by the same person or entity, provided that all uses on both properties are nonresidential uses.

§150-146.29 Lighting.

- A. Lighting facilities shall not produce any glare or hazardous interference on abutting properties or streets.
- B. Glare control shall be accomplished through the selection and application of lighting equipment, including shields.
- C. All lighting shall be directed away from residential uses on any adjoining properties .
- D. Light fixtures shall be no higher than fifteen feet above grade in parking lots and 12 feet above grade in all other locations and shall be shielded to protect adjoining properties from glare and so that the smallest area necessary will be illuminated.

§150-146.30 Refuse disposal areas.

- A. Trash, refuse, and recycling shall be stored inside the building or within a secured, enclosed, fenced area with opaque landscape screening as required elsewhere in this ordinance. Such fencing shall be at least two feet higher than the tallest trash, refuse, or recycling container, and the surrounding landscaping (at the time of installation) shall be at least two feet higher than the fencing.

- (1) Refuse and recycling areas, whether buildings or enclosed areas, shall be located within the building envelope. No refuse or recycling areas shall be located in the front yard setback.

SECTION II. – Amendment to Official Zoning Map

The Official Zoning Map of Worcester Township is hereby amended to add the Cedars Village Overlay District and the Class 1 & Class 2 sub-districts within that overlay district as shown on the illustrative map attached hereto as Exhibit "A" and as listed on Exhibit "B".

SECTION III. – Severability

The provisions of this Ordinance are intended to be 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, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION IV. – Failure to Enforce Not a Waiver

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION V. – Effective Date

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

SECTION VI. – Repealer

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township,
Montgomery County, Pennsylvania, this 17th day of October, 2012.

WORCESTER TOWNSHIP

By: *Arthur C. Bustard*
Arthur C. Bustard, Chairman,
Board of Supervisors

Attest: *F. Lee Mangan*
F. Lee Mangan, Secretary

NOTICE

NOTICE is hereby given that the Board of Supervisors of Worcester Township, at its public meeting on October 17, 2012, at 7:30 p.m. at the Worcester Township Community Hall, 1031 Valley Forge Road, Fairview Village, Worcester, Pennsylvania, will hold a public hearing on and could vote to adopt an ordinance entitled "Cedars Village Overlay District Ordinance and Map Amendment" amending the Code of the Township of Worcester, Chapter 150 (Zoning) to add a new Article XXD entitled "Cedars Village Overlay District" setting forth the purpose and applicability of the new District; permitted uses; prohibited uses; area and bulk regulations; standards and criteria; regulations for the application of transferable development rights; sign regulations; street access and parking regulations; landscaping and buffer requirements; and lighting requirements for the District, and amending the Official Zoning Map of Worcester Township to add the "Cedars Village Overlay District" as well as the Class 1 and Class 2 designations within such District to certain specific properties in the "Cedars" area of the Township, which shall include the following properties:

<u>Parcel No.</u>	<u>Class Designation</u>
67-00-00496-00-4	Class 1
67-00-00493-00-7	Class 1
67-00-00571-00-1	Class 1
67-00-00574-00-7	Class 1
67-00-00577-00-4	Class 1
67-00-00580-00-1	Class 1
67-00-03157-00-7	Class 2
67-00-03154-00-1	Class 2
67-00-03337-00-7	Class 2
67-00-03334-00-1	Class 2
67-00-03331-00-4	Class 2
67-00-03328-00-7	Class 2
67-00-03148-00-7	Class 2
67-00-03145-00-1	Class 2
67-00-03142-00-4	Class 2
67-00-03139-00-7	Class 2
67-00-03136-00-1	Class 2

67-00-03133-00-4	Class 2
67-00-03130-00-7	Class 2
67-00-03151-00-4	Class 2
(includes Block 30, Units 7 and 8)	
67-00-03326-00-9	Class 2

The Map Amendment and the Class designations are more particularly shown on the illustrative map attached to the Ordinance as Exhibit "A".

Copies of the proposed Ordinance and Map Amendment are available for examination during normal business hours at the offices of *Times Herald*, 410 Markley Street, Norristown, Pennsylvania 19404; the Montgomery County Law Library, Court House, Norristown, Pennsylvania 19401; and the Worcester Township Building, 1721 Valley Forge Road, Worcester, Pennsylvania 19490 where a copy of the proposed Ordinance and Map Amendment may be obtained for a charge not greater than the cost thereof.

JAMES J. GARRITY, ESQUIRE
WISLER PEARLSTINE, LLP
Solicitors for Worcester Township

**BOARD OF SUPERVISORS
WORCESTER TOWNSHIP**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2012-236

"Infiltration Testing Ordinance"

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WORCESTER, CHAPTER 130 (SUBDIVISION AND LAND DEVELOPMENT), ARTICLE V (DESIGN STANDARDS), SECTION 130-24 (STORMWATER MANAGEMENT), PARAGRAPH "B" (STORMWATER MANAGEMENT PLAN), SUBPARAGRAPH (4) (RUNOFF CONTROL MEASURES), SUB-SUBPARAGRAPH (e) (DESIGN STANDARDS FOR SEEPAGE BEDS) TO ESTABLISH INFILTRATION TESTING REQUIREMENTS FOR SEEPAGE BEDS.

The Board of Supervisors of Worcester Township does hereby **ENACT and ORDAIN** as follows:

SECTION I. – Amendment to Code

The Code of the Township of Worcester, Chapter 130 (Subdivision and Land Development), Article V (Design Standards), Section 130-24 (Stormwater Management), Paragraph "B" (Stormwater Management Plan), Subparagraph (4) (Runoff Control Measures), Sub-subparagraph (e) (Design Standards for Seepage Beds) is hereby amended to add the following additional requirements:

- [12] Seepage beds intended to receive runoff from impervious surface associated with residential land use and/or pervious surface runoff associated with both residential uses and nonresidential uses shall be constructed on soils which have the following characteristics:
 - [a] A minimum depth of twenty-four (24) inches between the intended bottom of facility and the seasonal high water table and/or bedrock (limiting zones).

- [b] Infiltration rate shall be in accordance with the Pennsylvania Stormwater “Best Management Practices” manual, Appendix C, Infiltration System Guidelines.
- [13] Infiltration BMPs intended to receive runoff from impervious surface associated with nonresidential uses shall be constructed on soils which have the following characteristics:
 - [a] A minimum depth of twenty-four (24) inches between the intended bottom of facility and the seasonal high water table and/or bedrock (limiting zones).
 - [b] Infiltration rate shall be in accordance with the Pennsylvania Stormwater “Best Management Practices” manual, Appendix C, Infiltration System Guidelines.
- [14] Infiltration BMPs intended to receive rooftop runoff shall be constructed on soils that have a minimum depth of twenty-four (24) inches between the intended bottom of the facility and the seasonal high water table and/or bedrock (limiting zones) and have infiltration rate in accordance with the Pennsylvania Stormwater “Best Management Practices” manual, Appendix C, Infiltration System Guidelines.

SECTION II. – Severability

The provisions of this Ordinance are intended to be 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, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION III. – Failure to Enforce not a Waiver

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION IV. – Effective Date

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

SECTION V. – Repealer

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

SECTION VI. – Comprehensive Plan

To the extent the Township Comprehensive Plan is in any way inconsistent with the Zoning map Amendment embodied in this Ordinance, the Land Use Plan in the most recent draft of the Township Comprehensive Plan is hereby modified to reflect a proposed land use consistent with the Zoning Map Amendment embodied in this Ordinance.

ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania, this 20th day of June, 2012.

WORCESTER TOWNSHIP

By: Arthur C. Bustard
Arthur C. Bustard, Chairman,
Board of Supervisors

Attest: F. Lee Mangan
F. Lee Mangan, Secretary

NOTICE

NOTICE is hereby given that the Board of Supervisors of Worcester, at its public meeting on June 20, 2012, at 7:30p.m. at the Worcester Township Community Hall, 1031 Valley Forge Road, Fairview Village, Worcester, Pennsylvania, will hold a public hearing on and could vote to adopt an ordinance entitled "Infiltration Testing Ordinance" amending the Code of the Township of Worcester Chapter 130 (Subdivision and Land Development), Article V (Design Standards), Section 130-24 (Stormwater Management), Paragraph "B" (Stormwater Management Plan), Subparagraph (4) (Runoff Control Measures), Sub-subparagraph (e) (Design Standards for Seepage Beds) to establish infiltration testing requirements for seepage beds.

Copies of the proposed Ordinance are available for examination during normal business hours at the offices of *Times Herald*, 410 Markley Street, Norristown, Pennsylvania 19404, the Montgomery County Law Library, Court House, Norristown, Pennsylvania 19401, and the Worcester Township Building, 1421 Valley Forge Road, Worcester, Pennsylvania 19490 where a copy of the proposed Ordinance may be obtained for a charge not greater than the cost thereof.

**JAMES J. GARRITY, ESQUIRE
ANDREW R. FREIMUTH, ESQUIRE
WISLER PEARLSTINE, LLP**

Solicitors for Worcester Township

**BOARD OF SUPERVISORS
WORCESTER TOWNSHIP**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2012-237

"Billboard Overlay District"

AN ORDINANCE AMENDING THE OFFICIAL WORCESTER TOWNSHIP ZONING MAP TO CREATE THE "BILLBOARD OVERLAY DISTRICT" TO REGULATE THE INSTALLATION AND OPERATION OF BILLBOARDS IN WORCESTER TOWNSHIP; AMENDING CHAPTER 150 (ZONING), ARTICLE III (TERMINOLOGY), SECTION 150-9 (DEFINITIONS) TO REVISE THE DEFINITION OF "SIGN" BY DELETING PARAGRAPHS "B" (OFF PREMISE SIGN) AND "L" (BILLBOARD) THEREOF; BY REPLACING SUCH PARAGRAPHS WITH A NEW PARAGRAPH CONTAINING A NEW DEFINITION FOR THE TERM "BILLBOARD"; AMENDING CHAPTER 150 (ZONING), ARTICLE XXI (SIGNS), SECTION 150-151 (SIGNS PERMITTED IN THE LI DISTRICT) TO DELETE EXISTING PARAGRAPH "C" IN ITS ENTIRETY; AND FURTHER AMENDING CHAPTER 150 (ZONING) TO ADD A NEW ARTICLE "XXIA" ENTITLED "BILLBOARD OVERLAY DISTRICT" SETTING FORTH THE PERMITTED HEIGHT AND LOCATIONS FOR BILLBOARDS; THE NUMBER OF SIGNS PERMITTED PER LOT; THE PERMITTED CONTENT OF BILLBOARD MESSAGES; LIGHTING REGULATIONS FOR BILLBOARDS; MINIMUM LOT SIZE REQUIREMENTS; MAINTENANCE AND LANDSCAPING REQUIREMENTS; AND ADDITIONAL PERTINENT REGULATIONS.

The Board of Supervisors of Worcester Township does hereby **ENACT** and **ORDAIN**:

SECTION I. – Zoning Map Amendment

The Worcester Township Zoning Map is hereby amended to identify the Billboard Overlay District as an overlay district in addition to the underlying zoning district on those properties depicted on the plan attached hereto as Exhibit "A".

A. Signs permitted. Billboards may be permitted by conditional use in the Billboard Overlay District subject to the requirements contained in this Section.

B. Size of sign face. A Billboard sign face may not exceed 300 square feet per side in area, with a maximum length of 20 feet and a maximum width (i.e. height of sign face only) of 15 feet.

C. Height. Billboards (including the supporting structure) shall not exceed twenty-five (25) feet in height. The height shall be measured from the grade of the immediately adjoining street, road, highway or alley to which the sign is oriented, to the highest part of the sign, including any lighting or portion of the support structure.

D. Location of sign. Billboards shall be located no closer than 20 feet from any property line, and shall not be located closer than 25 feet, nor further than 75 feet, from any street or road to which the Billboard is oriented, measured from the ultimate right-of-way of such street or road. Billboards may not be closer than 800 feet from another Billboard measured linearly on the same side of the street or road to which the Billboard is oriented; and shall not be closer to another Billboard than 500 feet if the Billboards are on opposite sides of the street or road to which the Billboards are oriented. No Billboard shall be located within 500 feet of any right-of-way of any interchange, measured along the interstate or limited access primary highway from the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way. No Billboard shall be located within 800 feet of the edge of any street or road (other than the street or road to which the billboard is oriented) measured linearly on the same side of the street or road to which the Billboard is oriented. No Billboard shall be erected within a 300 foot circumference of the nearest property line of any of the following: historic site, school, church or other religious institution, retirement or nursing home, cemetery, government building, community center or public park, playground or recreational area. No Billboard shall be located within 500 feet of any existing residential dwelling or residential zoning district on the same side of the street or road to which the Billboard is oriented.

E. Number of signs per lot. More than one Billboard shall be permitted per tax parcel, but such signs shall be no less than 800 feet apart.

F. Content. No Billboard shall advertise any adult or sexually oriented businesses or materials, contain any obscene or profane language, emit any verbal announcement, sound, music or noises of any kind, or otherwise display any content prohibited by 18 Pa. C.S.A. §5903.

G. Lighting. Illumination of Billboards shall be solely by external, down-facing, shielded fixtures of white light at a constant intensity. All external illumination shall be shielded as necessary to direct light onto the sign without spill over on any side of the sign. Any resulting light trespass generated by a Billboard shall not exceed 1/8 footcandle, as measured on the ground at the

curbline or shoulder of any street, road or highway in the immediate vicinity of the sign, so as not to impair the vision of any motor vehicle driver or otherwise interfere with a driver's operation of his or her motor vehicle. A Billboard or its structure shall be illuminated only from dusk until 10:00 p.m.

(1) The external illumination of Billboards shall not exceed 1.75 watts per square foot of board face.

(2) Changing, animated, flashing, revolving, scrolling, rotating, oscillating, or intermittently illuminated style signs shall be prohibited. Billboards shall not use reflective elements or materials of any kind.

I. Lot size. The minimum lot size for a property on which a Billboard may be located shall be 10 acres.

J. Maintenance of sign. All Billboards shall be structurally sound and maintained in good condition. If the signs are not structurally sound or maintained in good condition, the signs shall be immediately repaired or removed at the sole cost and expense of the owner of the sign. If a Billboard is determined by the Township to be structurally unsound or in poor condition, the Township shall notify the owner of the property on which the sign is located and provide the owner sixty (60) days written notice via certified mail, sent to the owner's last known address, to repair or remove the sign. If the Billboard is not repaired or removed within sixty (60) days of the date of the notice, the Township may remove the sign, and the cost thereof shall be paid by the owner of the property on which the Billboard is erected. The Township may file a lien against the property or take any action permitted by law to collect the cost of removal if it is not paid by the owner of the property.

K. Sign arrangement. When two sign faces are used in a back-to-back arrangement on a Billboard, they shall be parallel, directly aligned with each other and not more than 5 feet apart. When a V-type sign arrangement is used for two sign faces of any Billboard, the sign faces shall not be located more than fifteen (15) feet apart at the furthest point nor shall the interior angle be greater than forty-five (45) degrees. The rear side of any single-face Billboard shall be of one neutral color which shall be specified in the order of the Board of Supervisors.

L. Agreement of property owner. No part of the face or of any foundation or support of any Billboard shall be placed on, in or over any private property without the written agreement of the property owner. Such agreement shall be presented as part of the application for said sign permit but the consideration bargained between the private parties may be redacted.

M. Landscaping. Trees greater than four (4) inches in diameter removed for access to or the construction of a Billboard shall be replaced on-site at a ratio of one replacement tree for each removed tree using native species no less than three

(3) inches in diameter. A continuous landscaped buffer shall be planted along every side of the supporting structure of the Billboard and extending a minimum of ten (10) feet from the supporting structure in all directions. Plantings shall consist of at 75% evergreen materials and shall provide an immediate visual screen of 50% or greater ten feet from the ground or at the base of the Billboard, whichever is higher. All landscaping shall be maintained in good condition. If any approved landscaping is found by the Township to be in poor condition, the Township shall notify the owner of the property on which the Billboard and landscaping are located and provide the owner sixty (60) days written notice via certified mail, sent to the owner's last known address, to correct to the condition of the landscaping to the satisfaction of the Township. If the condition of the landscaping is not corrected within sixty (60) days of the date of the notice, the Township may perform such work as is necessary to bring the landscaping into good condition in accordance with the conditional use approval, and the cost thereof shall be paid by the owner of the property on which the Billboard and landscaping are located. The Township may file a lien against the property or take any action permitted by law to collect the cost of any corrective action taken by the Township if it is not paid by the owner of the property.

N. Owner identification. All Billboards shall be identified on the structure with the name and address of the owner of each sign. Any Billboard located within an area that is regulated by Chapter 445 of the Pennsylvania Code shall further be identified with a permit number or tag issued by the Pennsylvania Department of Transportation.

O. Discontinued sign. A Billboard shall be considered a discontinued sign if it has carried no message for a period of 180 consecutive days, or if such Billboard no longer identifies a bona fide business, commodity, service, entertainment or facility, or if more than 50% of the message on such Billboard has deteriorated to the point that it is not clearly discernable from the road or street to which it is oriented. A Billboard that has been discontinued shall be presumed to be abandoned and shall constitute an illegal sign. Any period of time for which the discontinued use of a Billboard is proved to be caused by government actions, labor strikes, material shortages or acts of god, and without any contributing fault of the owner of the sign or user of the sign, shall not be calculated toward the number of days of discontinued use. Any discontinued Billboard shall be removed at the expense of the owner of the sign. In the event that the owner of the sign cannot be ascertained after the Township's reasonable inquiry, the discontinued sign and structure shall be removed at the expense of the owner of the property on which the sign is erected.

P. Additional regulations. In addition to the requirements contained in this Section, all Billboards shall comply with any and all applicable zoning regulations not specifically established herein and any and all Township, State and/or Federal regulations, including, but not limited to, the Worcester Township Building Code and all applicable Pennsylvania Department of Transportation regulations.

SECTION V. - Severability

The provisions of this Ordinance are intended to be 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, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION VI. - Failure to Enforce not a Waiver

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION VII. - Effective Date

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

SECTION VIII. - Repealer

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania, this 19th day of September, 2012.

WORCESTER TOWNSHIP

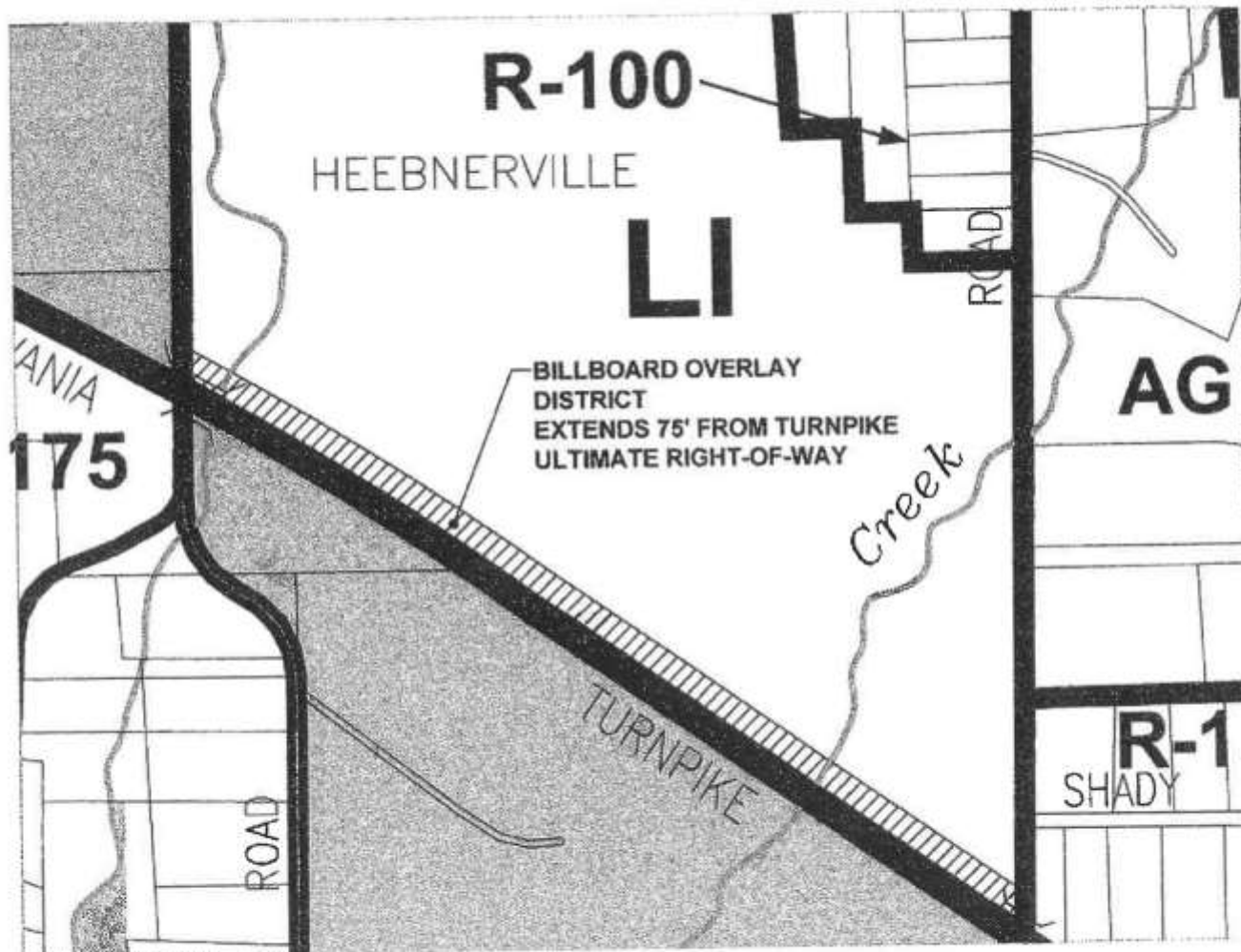
By: 
Arthur C. Bustard, Chairman,
Board of Supervisors

Attest: 
F. Lee Mangan, Secretary

EXHIBIT "A"



LOCATION MAP



**WORCESTER TOWNSHIP BILLBOARD OVERLAY DISTRICT
EXHIBIT A**

**BOARD OF SUPERVISORS
WORCESTER TOWNSHIP**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2012-238

"Minor Subdivision and Land Development Plan Requirements"

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WORCESTER, CHAPTER 130 (SUBDIVISION AND LAND DEVELOPMENT), ARTICLE VI (PLAN REQUIREMENTS) TO ADD A NEW SECTION 130-135.1 ENTITLED "MINOR PLAN SUBMISSION" SETTING FORTH MINOR PLAN SUBMISSION REQUIREMENTS AND REVIEW PROCEDURE FOR LOT LINE ADJUSTMENT, SIMPLE CONVEYANCE, MINOR SUBDIVISION AND MINOR LAND DEVELOPMENT PLANS; AND FURTHER AMENDING ARTICLE VI (PLAN REQUIREMENTS) TO ADD A NEW SECTION 130-135.2 ENTITLED "PLAN REVISIONS" SETTING FORTH CERTAIN REQUIREMENTS FOR THE SUBMISSION OF REVISIONS TO SUBDIVISION AND LAND DEVELOPMENT PLANS.

The Board of Supervisors of Worcester Township does hereby **ENACT and ORDAIN** as follows:

SECTION I. – Amendment to Code

The Code of the Township of Worcester, Chapter 130 (Subdivision and Land Development), Article VI (Plan Requirements) is hereby amended to add the following new Section 130-135.1 entitled "Minor Plan Submission":

§130-135.1 Minor Plan Submission.

- A. Minor Plan Requirements. Plans for Lot Line Adjustment Simple Conveyance, Minor Subdivision and Minor Land Development shall comply with the following submission requirements:

(1) Drafting Standards.

(a) The plan shall be drawn to standard engineering scale not exceeding 100 feet to the inch.

(b) Sheet size shall be 15" x 18", 18" x 30", or 24" x 36", appropriately related to the scale of the drawing; only one sheet shall be permitted.

(c) Property lines shall be drawn and labeled in conformance with accepted surveying and civil engineering practices, including dimensions shown in feet and decimals, and bearing shown in degrees, minutes, and seconds.

(2) Basic Information to be Shown on the Plan.

(a) Name, address, and phone number of the applicant.

(b) Name, address and phone number of the any other property owner involved in the proposal.

(c) Name, address, and phone number and professional seal of the individual that prepared the plan.

(d) Date of preparation of the plan and a descriptive list of revisions to the plan, and the revision dates.

(e) North point and graphic and written scale.

(f) Location plan showing the relationship of the subject tract to the surrounding road network and major physical features.

(g) The entire boundary lines of all lots involved in the proposal, with bearings and distances and lot areas.

(h) A list of the basic dimensional requirements of the applicable zoning district.

(i) Legend sufficient to indicate clearly between existing and proposed conditions.

(j) Notes sufficient to describe what is being proposed and which land area are to be transferred as a result of the proposal.

(3) Existing and Proposed Features to be Shown on the Plan.

(a) For Lot Line Adjustments:

[1] The lot line proposed to be adjusted, as it currently exists, shown as a dashed line, labeled "Lot Line to be Removed".

[2] The lot line as it is proposed to be after adjustment, drawn using the standard lot line delineation at a heavier line weight than the other lot lines, and labeled "Proposed New Lot Line."

[3] Any existing physical features of the site which are involved in the decision to adjust the line.

[4] Any existing and/or proposed features which will be directly affected by the lot line adjustment.

(b) For Simple Conveyances:

[1] The land area to be conveyed, drawn in a manner which makes it readily identifiable.

[a] The lot lines defining this area shall be drawn using the standard lot line delineation at a heavier line weight than the other lot lines.

[b] This area shall be labeled "This area to be conveyed to (name) and is not a separate building lot."

[2] The area of the parcel being conveyed.

[3] The areas of the previously existing lots and their areas following conveyance.

[4] Any existing and/or proposed site features which will be directly affected by the conveyance.

(c) For Minor Subdivisions:

[1] Existing Features:

[a] Streets bordering or crossing the tract, showing names, right-of-way and cartway widths and surface conditions.

[b] Locations of sanitary and/or storm sewer lines, and water supply lines.

[c] Location of all watercourses and limits of any flood prone areas, based on FEMA studies or engineering determination.

[d] Contours obtained from U.S.G.S. 7.5 min. quad maps, or more accurate methods.

[e] Location and description of existing building and other structures, labeled "To Remain or To be Removed" as applicable,

and location and description of existing building and other structures less than 50 feet beyond the tract boundaries.

[f] Outer limits of tree masses.

[g] Locations of any natural or man-made features which may affect the developability of the land, such as quarries, wetlands, etc., within the property and up to 100 feet beyond the tract boundaries.

[h] Location, type, and ownership of major utilities, such as pipelines and electric transmission lines, both above and below ground, with notes describing: (1) easement of right-of-way dimensions; (2) additional setback or development restrictions imposed by the utility company; and (3) specific type of product using pipelines.

[i] Areas subject to deed restrictions or easements.

(d) Proposed Features:

[1] Layout and dimensions of both lots, including new lots areas and ultimate rights-of-way.

[2] All building setback lines.

[3] Locations of on-site water supply and sewage disposal, if applicable.

[4] Driveway locations and grades.

(4) For Minor Land Developments:

(a) The existing and proposed features for Minor Subdivisions above should be used for Minor Land Developments. In addition to these requirements, the following shall be shown.

[1] Parking lot locations.

[2] New buildings or additions to existing structures.

B. Minor Plan Submission Requirements and Review Procedure. Minor Plans may be submitted and processed only for Lot Line Adjustments, Simple Conveyances, Minor Subdivisions, or Minor Land Developments as characterized herein, in accordance with the standards and requirements in this section.

(1) Standards for Qualifications as a Minor Plan Subdivision.

(a) Lot Line Adjustment.

[1] A proposal between two or more abutting, existing, legally approved and recorded lots, including a reverse subdivision.

[2] A common lot line is proposed to be adjusted in terms of its location or configuration

[3] The land area of each lot may be different after adjustment, but the total lot area of the lots will be unchanged.

[4] No alteration will occur to the perimeter boundary line of the lots.

[5] No lot shall violate the applicable dimensional requirements of the zoning ordinance as a result of the lot line adjustment.

[6] Possible reason for line adjustments include, but are not necessarily limited to:

[a] Correcting errors regarding locations of existing improvements (e.g. if the driveway for Lot #1 is located on Lot #2.)

[b] Relating the line to definitive physical characteristics (e.g. to adjust the line to run along an existing hedgerow);

[c] Preferences of the landowners involved.

(b) Simple Conveyance.

[1] A proposal between two abutting, existing, legally approved and recorded lots.

[2] A portion of one lot is being divided off to be conveyed to the owner of the abutting lot.

[3] The land area of each lot will be different after conveyance, but the total lot area of the two lots will be unchanged.

[4] The lot from which the land is being conveyed must be suitable in terms of the applicable dimensional requirements of the zoning ordinance, so that after conveyance, it will remain in compliance with those requirements.

[5] The land area being conveyed need not satisfy any of the dimensional requirements applicable to lotting in the district in which it is located, nor the street frontage requirements of the zoning ordinance, provided that it shall be deed restricted to the extent that it may not be transferred independently, but must be transferred together with the lot to which it is being functionally added by the process of simple conveyance.

(c) Minor Subdivision.

[1] A subdivision proposal which would divide one existing lot into two lots, both of which will comply with the applicable dimensional requirements of the zoning district in which the existing lot is located.

[2] The existing lot has sufficient frontage on an existing, improved public street to satisfy the applicable township requirements for lot frontage and access to a public street for both proposed lots.

[3] The existing lot has not been part of an approved subdivision proposal during the five (5) years previous to the current application.

[4] The subdivision will not require construction of new roads.

[5] The proposal will not involve significant stormwater and/or erosion control issues, as determined by the Township Engineer.

[6] Disqualification. The Board of Supervisors may require a standard Preliminary Plan submission in place of a Minor Plan when conditions warrant it, at the advice of the Planning Commission or Township Engineer.

(d) Minor Land Developments.

[1] A land development proposal where it is found that the intended development or modification of a site, or use of occupancy of an existing structure will create a minimal impact upon traffic, drainage, visual image, landscaping, buffering, lighting or other elements described within the purposed of the Ordinance.

[2] Parking lot expansions.

[3] Additions to existing non-residential buildings provided that the addition is less than 1,500 gross square feet and involves no more than a 25% increase in the size of the existing building.

(2) Minor Plan Submission and Review Procedure.

(a) All Minor Plans shall be considered to be Preliminary Plans for the purposes of submission for review and approval, and shall comply with the requirements of Section 130-33, Preliminary Plan.

(b) When a Minor Plan qualifies for approval, or for approval subject to conditions, in accordance with Section 130-135.1.B(1) herein, the Minor Plan may be granted concurrent Preliminary and Final Plan Approvals, provided that the plan included the Final Plan Certifications required by Section 130-34.J(3) herein and complies with Section 130-34.J(2).

- (3) A Minor Plan is not required to include an Improvements Construction Plan or a Record Plan as required by Section 130-34.
- (4) A Minor Plan which shall require access to a State Highway shall provide the "highway access" statement on the plan to the satisfaction of the Township Engineer.

SECTION II. – Amendment to Code

The Code of the Township of Worcester, Chapter 130 (Subdivision and Land Development), Article VI (Plan Requirements) is hereby amended to add the following new Section 130-135.2 entitled "Plan Revisions":

§130-35.2. Plan Revisions.

- A. All plan revisions submitted for review shall be submitted to the Township Secretary during regular business hours at least 14 days prior to the Planning Commission or Board of Supervisors meeting, whichever is applicable, at which the plan is to be received.
- B. All plan revisions shall be accompanied by a report specifying the changes made to each plan element, including specific references to review comments made by the Township Engineer.

SECTION III. – Severability

The provisions of this Ordinance are intended to be 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, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION IV. – Failure to Enforce not a Waiver

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION V. – Effective Date

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

SECTION VI. – Repealer

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania, this 19th day of December, 2012.

WORCESTER TOWNSHIP

By: Arthur C. Bustard
Arthur C. Bustard, Chairman,
Board of Supervisors

Attest: F. Lee Mangan
F. Lee Mangan, Secretary

NOTICE

NOTICE is hereby given that the Board of Supervisors of Worcester, at its public meeting on December 19, 2012, at 7:30 p.m. at the Worcester Township Community Hall, 1031 Valley Forge Road, Fairview Village, Worcester, Pennsylvania, will hold a public hearing on and could vote to adopt an ordinance entitled "Minor Subdivision and Land Development Plan Requirements" amending the Code of the Township of Worcester, Chapter 130 (Subdivision and Land Development), Article VI (Plan Requirements) to add a new Section 130-135.1 entitled "Minor Plan Submission" setting forth minor plan submission requirements and review procedure for lot line adjustment, simple conveyance, minor subdivision and minor land development plans; and further amending Article VI (Plan Requirements) to add a new Section 130-135.2 entitled "Plan Revisions" setting forth certain requirements for the submission of revisions to subdivision and land development plans.

Copies of the proposed Ordinance are available for examination during normal business hours at the offices of *Times Herald*, 410 Markley Street, Norristown, Pennsylvania 19404, the Montgomery County Law Library, Court House, Norristown, Pennsylvania 19401, and the Worcester Township Building, 1721 Valley Forge Road, Worcester, Pennsylvania 19490 where a copy of the proposed Ordinance may be obtained for a charge not greater than the cost thereof.

**JAMES J. GARRITY, ESQUIRE
ANDREW R. FREIMUTH, ESQUIRE
WISLER PEARLSTINE, LLP**

Solicitors for Worcester Township

**WORCESTER TOWNSHIP
BOARD OF SUPERVISORS**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2012-239

"Agricultural and Accessory Uses and Structures Ordinance"

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WORCESTER, CHAPTER 150 (ZONING), ARTICLE IV (AGR AGRICULTURAL DISTRICT), SECTION 150-13 (YARD REGULATIONS), PARAGRAPH "B" (NONRESIDENTIAL USES) TO REDUCE THE MINIMUM FRONT, SIDE AND REAR YARD SETBACKS FOR AGRICULTURAL BUILDINGS TO FIFTY FEET; AMENDING ARTICLE XXIV (GENERAL REGULATIONS) TO DELETE EXISTING SECTION 150-177 (ACCESSORY USE; ACCESSORY STRUCTURES) IN ITS ENTIRETY AND REPLACE IT WITH A NEW SECTION 150-177 ENTITLED "ACCESSORY USES AND STRUCTURES" ESTABLISHING NEW REGULATIONS FOR USES AND STRUCTURES WHICH ARE PERMITTED AS ACCESSORY TO SINGLE-FAMILY DETACHED RESIDENTIAL USES; AND FURTHER AMENDING ARTICLE XXIV (GENERAL REGULATIONS) TO ADD A NEW SECTION 150-177.1 ENTITLED "AGRICULTURAL USES AND STRUCTURES" PROVIDING REGULATIONS FOR AGRICULTURAL USES AND AGRICULTURAL STRUCTURES.

The Board of Supervisors of Worcester Township does hereby **ENACT and ORDAIN:**

SECTION I. Amendment to the Code.

The Code of the Township of Worcester, Chapter 150 (Zoning), Article IV (AGR Agricultural District), Section 150-13 (Yard Regulations) Paragraph "B" (Nonresidential Uses) is hereby amended to delete existing Subparagraphs (1) and (3) in their entirety and replace them with the following:

- (1) One hundred fifty (150) feet shall be the minimum size of front, side and rear yards for religious buildings. Fifty (50) feet shall be the minimum size of front, side and rear yards for Agricultural buildings, except for seasonal roadside stands as set forth in § 150-177.1.

- (3) Except as otherwise set forth in this Chapter, in no case shall the minimum yard area for any use be less than the minimum yard area required for single-family detached homes, as specified in §150-13.A.

SECTION II. Amendment to the Code.

The Code of the Township of Worcester, Chapter 150 (Zoning), Article XXIV (General Regulations) is hereby amended to delete existing Section 150-177 (Accessory use; accessory structure) in its entirety and replace it with the following:

§150-177 Accessory Uses and Structures

- A. Accessory uses and structures to a single-family detached residential use shall be regulated as follows:

- (1) In the AGR, R-175, and R-AG-175 districts, structures accessory to single-family residential uses, except those regulated in subsections (2) through (9) below, shall be located behind the Building Line and no closer than 15 feet to the side and rear property lines. In all other districts, structures accessory to single-family residential uses, except those regulated in subsections (2) through (9) below, shall be located behind the Building Line and within the building envelope, except that where the required size of the rear yard is greater than 10 feet, said accessory structures may be erected in the rear yard not closer than 10 feet to the rear property line. Accessory structures in any district shall not be higher than 15 feet.

- (2) Private garages (whether attached or detached) may not encroach on any yard setback and must be located entirely within the building envelope of the lot on which they are located. Attached garages shall not exceed the height restriction for principal buildings in the applicable zoning district, and detached garages shall not exceed 20 feet in height.

- (3) Private swimming pools shall be constructed in accordance with the applicable Township ordinances, and shall be located entirely within the Rear Yard of the lot on which the pool is located and at least 10 feet behind the closest part of the main building. However, in no case shall the distance from the pool to the side or rear property line be less than 25 feet. In the AGR, R-175, and R-AG-175 districts, the distance from the pool to the side and rear property lines shall be not less than 50 feet. The water edge shall be the line for measurement of these setbacks. All filters, heaters and accessory structures incidental thereto shall

meet the same setback criteria. Freestanding spas and hot tubs shall be exempt from the requirement to be located at least 10 feet behind the closest part of the main building.

(4) Private tennis courts and private sports courts and all facilities incidental thereto shall be located on a lot 60,000 square feet or larger and in the rear yard only. Except as set forth below for lighted courts, a private tennis court shall not be less than 50 feet from the side and rear property lines, and a private sports court shall not be less than 75 feet from the side and rear property lines. A vegetative screening landscape buffer in accordance with the Worcester Township Landscape Ordinance requirements for rear and side yards as set forth in Section 130-28 of the Worcester Township Subdivision and Land Development Ordinance shall be provided for all private tennis courts and private sports courts and all facilities incidental thereto. To the extent required by the Township Engineer, all tennis courts and sports courts shall have stormwater management facilities. All required stormwater management facilities shall be approved by the Township Engineer. The lighting of a private tennis court or private sports court shall conform to §150-200. Any lighted private tennis court or sports court shall not be less than 100 feet from the side and rear property lines. No tennis court or sports court shall be illuminated after 9:00 p.m. Sunday through Thursday, or after 10:00 p.m. on Friday and Saturday.

(5) Private stables for the keeping of horses and livestock shall be permitted on properties having a gross lot area of 3 acres or more. A gross lot area of 3 acres shall allow a maximum of two large animals (e.g., horses, cattle, llamas). Two small animals (e.g., goats, sheep, mini horses, ponies, yearling horses or cattle, donkeys) shall be the equivalent of one large animal. Each additional acre of gross lot area shall allow the keeping of one additional large animal or the equivalent. All grazing areas shall be suitably fenced to contain the animals at all times. All buildings and structures (including rings, but not including fencing) used for the housing, stabling, training, and recreational enjoyment of such animals shall be located within the building envelope and shall be no higher than 35 feet.

(6) Decorative structures such as garden trellises, arbors, statues, benches, and the like, but specifically not including storage units, sheds, greenhouses, or other work areas, may be located no closer than 15 feet to any property line, but not within the ultimate right of way of any road.

(7) Private mailboxes shall be located as required by the U.S. Postal Service. Private newspaper boxes may be located adjacent to private mailboxes and no closer to the cart-way than a private mailbox.

(8) Private driveways shall be regulated by §150-155 and private parking spaces shall be regulated by §150-153.

(9) Structures associated with public or private utilities (such as water, stormwater, sanitary waste, power, fuel, telephone, and cable) to serve permitted Agricultural and single-family residential uses shall be exempt from the setbacks in this section.

- B. Accessory uses authorized by this chapter shall not be interpreted to include nonpermanent structures for the sale of goods, which are prohibited by Chapter 119, except as otherwise set forth therein.

SECTION III. Amendment to Code

The Code of the Township of Worcester, Chapter 150 (Zoning), Article XXIV (General Regulations) is hereby amended to the following new Section 150-177.1 entitled "Agricultural Uses and Structures":

§150-177.1 Agricultural Uses and Structures

- A. The following Agricultural uses and structures are permitted in the districts zoned for Agricultural use:

1) Seasonal roadside stand for the sale of Agricultural products, which may be located within the front setback, not less than 25 feet from any neighboring property line and not within the legal right of way of any street or road. Vehicular access to seasonal roadside stands must be located at least 300 feet from any intersection and seasonal roadside stands may not interfere with sight distances or create a safety hazard to motorists or pedestrians. A roadside stand shall not exceed 200 square feet.

2) Barn, shed, greenhouse, silo, exercise ring, or similar structure used for Agriculture or for the processing of Agricultural products. No such building or structure shall be erected within 50 feet of any property line. Fencing in connection with Agricultural uses shall conform to the requirements of section 150-182. All grazing areas shall be suitably fenced to contain the animals at all times.

SECTION IV. Repealer.

All other ordinances and resolutions or parts thereof as they are inconsistent with this Ordinance, and in particular Section 150-192 (Housing of Animals, Livestock and Poultry) of the Code of the Township of Worcester, are hereby repealed.

SECTION V. Severability.

The provisions of this Ordinance are intended to be 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, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION VI. Failure to Enforce Not a Waiver.

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION VII. Effective Date.

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

(Signature page follows)

ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township,
Montgomery County, Pennsylvania this 19th day of December, 2012.

WORCESTER TOWNSHIP

By: Arthur C. Bustard
Arthur C. Bustard, Chairman,
Board of Supervisors

Attest: F. Lee Mangan
F. Lee Mangan, Secretary

NOTICE

NOTICE is hereby given that the Board of Supervisors of Worcester Township, at its public meeting on December 19, 2012, at 7:30 p.m. at the Worcester Township Community Hall, 1031 Valley Forge Road, Fairview Village, Worcester, Pennsylvania, will hold a public hearing on and could vote to adopt an Ordinance entitled "Agricultural and Accessory Uses and Structures Ordinance" amending the Code of the Township of Worcester, Chapter 150 (Zoning), Article IV (AGR Agricultural District), Section 150-13 (Yard Regulations), Paragraph "B" (Nonresidential Uses) to reduce the minimum front, side and rear yard setbacks for agricultural buildings to fifty feet; amending Article XXIV (General Regulations) to delete existing Section 150-177 (Accessory use; accessory structures) in its entirety and replace it with a new Section 150-177 entitled "Accessory Uses and Structures" establishing new regulations for the uses and structures which are permitted as accessory to single-family detached residential uses; and further amending Article XXIV (General Regulations) to add a new Section 150-177.1 entitled "Agricultural Uses and Structures" providing regulations for agricultural uses and agricultural structures.

Copies of the full text of the proposed ordinance are available for examination during normal business hours at the offices of *The Times Herald*, 410 Markley Street, Norristown, Pennsylvania 19404, the Montgomery County Law Library, Court House, Norristown, Pennsylvania and the Worcester Township Building, 1721 Valley Forge Road, Worcester, Pennsylvania 19490 where a copy of the proposed ordinance may also be obtained for a charge not greater than the cost thereof.

JAMES J. GARRITY, ESQUIRE
ANDREW R. FREIMUTH, ESQUIRE
WISLER PEARLSTINE, LLP
Solicitors for Worcester Township

**BOARD OF SUPERVISORS
WORCESTER TOWNSHIP**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2012-240

"Sewer Rates Ordinance"

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WORCESTER, CHAPTER 122 (SEWERS), ARTICLE II (SEWER RATES AND CHARGES), SECTION 122-11 (UNIFORM RATES AND CHARGES) TO REVISE PARAGRAPH "A" (RESIDENTIAL) TO INCREASE THE RATE PAYABLE FOR EACH PRIVATE DWELLING UNIT TO \$380.00 PER ANNUM, PAYABLE AT A RATE OF \$95.00 PER QUARTER ANNUM; AMENDING ARTICLE III (MEADOWOOD RETIREMENT COMMUNITY SEWER DISTRICT), SECTION 122-16 (RATES AND CHARGES), PARAGRAPH "A"; ARTICLE IV (CENTER POINT VILLAGE SEWER DISTRICT), SECTION 122-20 (RATES AND CHARGES), PARAGRAPH "A"; ARTICLE VII (FAIRVIEW VILLAGE SEWER DISTRICT), SECTION 122-43 (NONRESIDENTIAL AND MIXED-USE RATES AND CHARGES), PARAGRAPH "C"; AND ARTICLE VIII (FAIRVIEW VILLAGE EAST, FAIRVIEW VILLAGE WEST AND VALLEY FORGE ROAD SEWER DISTRICTS), SECTION 122-49 (NONRESIDENTIAL AND MIXED-USE RATES AND CHARGES), PARAGRAPH "C" TO INCREASE THE MINIMUM SEWER RENTAL CHARGE FOR NONRESIDENTIAL AND MIXED-USES TO \$6.20 FOR EACH 1,000 GALLONS OF METERED WATER CONSUMED PER MONTH EFFECTIVE JANUARY 1, 2013.

The Board of Supervisors of Worcester Township does hereby **ENACT and ORDAIN** as follows:

SECTION I. – Amendment to Code

The Code of the Township of Worcester, Chapter 122 (Sewers), Article II (Sewer Rates and Charges), Section 122-11 (Uniform Rates and Charges), Paragraph "A" (Residential) is hereby revised to change the rate for each private dwelling unit from \$352.00 per annum,

payable at a rate of \$88.00 per quarter annum, to \$380.00 per annum payable at a rate of \$95.00 per quarter annum.

SECTION II. – Amendment to Code

The Code of the Township of Worcester, Chapter 122 (Sewers), Article III (Meadowood Retirement Community Sewer District), Section 122-16 (Rates and Charges) is hereby amended to delete existing Paragraph “A” in its entirety and replace it with the following new Paragraph “A”:

A. A minimum charge of \$6.20 for each 1,000 gallons of metered water consumed per month at the Meadowood Retirement Community is hereby imposed upon the owner of the Meadowood Retirement Community and upon its successors in title, payable as herein provided, which shall be collected by Worcester Township and used for payment of the cost of operating and maintaining that portion of the Township's sewage collection and disposal system comprising the Meadowood Sewer District and for a reserve fund sufficient for its future replacement. This minimum charge is based upon Meadowood discharging sewage with the characteristics of typical domestic sewage of a strength no greater than the following concentrations:

Type of Sewage	Concentration (mg/l)
BOD-5	250
Suspended Solids	250
Total Phosphorous	10
Ammonia (NH ₃)	20

SECTION III. – Amendment to Code

The Code of the Township of Worcester, Chapter 122 (Sewers), Article IV (Center Point Village Sewer District), Section 122-20 (Rates and Charges) is hereby revised to delete existing Paragraph “A” in its entirety and replace it with the following new Paragraph “A”:

A. A minimum charge of \$6.20 for each 1,000 gallons of metered water consumed per month at the Center Point Village Shopping Center is hereby imposed upon the owner of the Center Point Village Shopping Center and upon its successors in title, payable as herein provided, which shall be collected by

Worcester Township and used for payment of the cost of operating and maintaining that portion of the Township's sewage collection and disposal system comprising the Center Point Village Sewer District and for a reserve fund sufficient for its future replacement. This minimum charge is based upon Center Point Village discharging sewage with the characteristics of typical domestic sewage of a strength no greater than the following concentrations:

Type of Sewage	Concentration (mg/l)
BOD-5	250
Suspended Solids	250
Total Phosphorous	10
Ammonia (NH ₃)	20

SECTION IV. – Amendment to Code

The Code of the Township of Worcester, Chapter 122 (Sewers), Article VII (Fairview Village Sewer District), Section 122-43 (Nonresidential and Mixed-Use Rates and Charges) is hereby amended to delete existing Paragraph “C” in its entirety and replace it with the following new Paragraph “C”:

C. The sewer rental rate or charge shall be calculated based on total water consumption. A minimum charge of \$6.20 for each 1,000 gallons of metered water consumed per month on the premises is hereby imposed upon all nonresidential, or mixed-use owners or their successors in title payable as herein provided, which shall be collected by Worcester Township in use for payment of the cost of operating and maintaining that portion of the Township's sewage collection and disposal system comprising the Fairview Village Sewer District and for a reserve fund sufficient for its future replacement.

SECTION V. – Amendment to Code

The Code of the Township of Worcester, Chapter 122 (Sewers), Article VIII (Fairview Village East, Fairview Village West and Valley Forge Road Sewer District), Section 122-49 (Nonresidential and Mixed-Use Rates and Charges) is hereby amended to delete existing Paragraph “C” in its entirety and replace it with the following new Paragraph “C”:

C. The sewer rental rate or charge shall be calculated based on total water consumption. A minimum charge of \$6.20 for each 1,000 gallons of metered

water consumed on the premises per month is hereby imposed upon all nonresidential, or mixed-use owners or their successors in title as herein provided, which shall be collected by Worcester Township in use for payment of the cost of operating and maintaining that portion of the Township sewerage collection and disposal system comprising the Fairview Village East Sewer District, the Fairview Village West Sewer District and the Valley Forge Road Sewer District, respectively, and for a reserve fund sufficient for their future replacement.

SECTION VI. – Severability

The provisions of this Ordinance are intended to be 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, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION VII. – Failure to Enforce not a Waiver

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION VIII. – Effective Date

This Ordinance shall take effect and be in force as of January 1, 2013.

SECTION IX. – Repealer

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed as of the effective date of this Ordinance.

ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township,
Montgomery County, Pennsylvania, this 19th day of December, 2012.

WORCESTER TOWNSHIP

By: *Arthur C. Bustard*
Arthur C. Bustard, Chairman,
Board of Supervisors

Attest: *F. Lee Mangan*
F. Lee Mangan, Secretary

NOTICE

NOTICE is hereby given that the Board of Supervisors of Worcester, at its public meeting on December 19, 2012, at 7:30 p.m. at the Worcester Township Community Hall, 1031 Valley Forge Road, Fairview Village, Worcester, Pennsylvania, will hold a hearing on and could vote to adopt an ordinance entitled "Sewer Rate Ordinance" amending the Code of the Township of Worcester, Chapter 122 (Sewers), Article II (Sewer Rates and Charges), Section 122-11 (Uniform Rates and Charges) to revise Paragraph "A" (Residential) to increase the rate payable for each private dwelling unit to \$380.00 per annum payable at a rate of \$95.00 per quarter annum; amending Article III (Meadowood Retirement Community Sewer District), Section 122-16 (Rates and Charges), Paragraph "A"; Article IV (Center Point Village Sewer District), Section 122-20 (Rates and Charges), Paragraph "A"; Article VII (Fairview Village Sewer District), Section 122-43 (Nonresidential and Mixed-Use Rates and Charges), Paragraph "C"; and Article VIII (Fairview Village East, Fairview Village West and Valley Forge Road Sewer Districts), Section 122-49 (Nonresidential and Mixed-Use Rates and Charges), Paragraph "C" to increase the minimum sewer rental charge for nonresidential and mixed-uses to \$6.20 for each 1,000 gallons of metered water consumed per month effective January 1, 2013.

Copies of the proposed Ordinance are available for examination during normal business hours at the offices of *Times Herald*, 410 Markley Street, Norristown, Pennsylvania 19404, the Montgomery County Law Library, Court House, Norristown, Pennsylvania 19401, and the Worcester Township Building, 1721 Valley Forge Road, Worcester, Pennsylvania 19490 where a copy of the proposed Ordinance may be obtained for a charge not greater than the cost thereof.

**JAMES J. GARRITY, ESQUIRE
WISLER PEARLSTINE, LLP**

Solicitors for Worcester Township

**BOARD OF SUPERVISORS
WORCESTER TOWNSHIP**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2012-241

"Amendments to Cedars Village Overlay District"

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WORCESTER, CHAPTER 150 (ZONING), ARTICLE XXD (CEDARS VILLAGE OVERLAY DISTRICT), SECTION 150-146.22 (USE REGULATIONS – CLASS 2), PARAGRAPH "A" (BY-RIGHT USES) TO PERMIT SINGLE FAMILY DETACHED DWELLING UNITS ACCORDING TO THE PROVISIONS OF THE UNDERLYING ZONING DISTRICT; AMENDING SECTION 150-146.22 (USE REGULATIONS – CLASS 2), PARAGRAPH "B" (CONDITIONAL USES), SUBPARAGRAPH (1) TO REQUIRE THE PROVISION OF COMMON OPEN SPACE FOR PASSIVE RECREATIONAL USE FOR TWO FAMILY OR MULTI-FAMILY RESIDENTIAL USES IN AN EXISTING RESIDENTIAL STRUCTURE; AMENDING SECTION 150-146.24 (ADDITIONAL DEVELOPMENT STANDARDS) TO ADD A NEW PARAGRAPH REQUIRING THE PROVISION OF COMMON OPEN SPACE FOR PARCELS GREATER THAN FIVE ACRES; AND AMENDING SECTION 150-146.27 (STREET ACCESS AND PARKING), PARAGRAPH "D" TO REQUIRE THAT PARKING BE SET BACK 50 FEET FROM THE ULTIMATE RIGHT-OF-WAY.

The Board of Supervisors of Worcester Township does hereby **ENACT and ORDAIN** as follows:

SECTION I. – Amendment to Code

The Code of the Township of Worcester, Chapter 150 (Zoning), Article XXD (Cedars Village Overlay District), Section 150-146.22 (Use Regulations – Class 2), Paragraph "A" (By-right Uses) is hereby amended to delete existing Subparagraph (1) and replace it with the following new Subparagraph (1):

- (1) One single family detached dwelling unit, according to the provisions of the underlying zoning district.

SECTION II. – Amendment to Code

The Code of the Township of Worcester, Chapter 150 (Zoning), Article XXD (Cedars Village Overlay District), Section 150-146.22 (Use Regulations – Class 2), Paragraph “B” (Conditional Uses), Subparagraph (1) is hereby amended to add the following new Sub-subparagraph (a):

- (a) Appropriate provision shall be made for common open space for passive recreational use.

SECTION III. – Amendment to Code

The Code of the Township of Worcester, Chapter 150 (Zoning), Article XXD (Cedars Village Overlay District), Section 150-146.24 (Additional Development Standards) is hereby amended to add the following new Paragraph “D” and designate existing Paragraphs “D” through “F” as “E” through “G”:

- D. For parcels greater than five (5) acres in size, appropriate common open space shall be provided.

SECTION IV. – Amendment to Code

The Code of the Township of Worcester, Chapter 150 (Zoning), Article XXD (Cedars Village Overlay District), Section 150-146.27 (Street Access and Parking) is hereby amended to delete existing Paragraph “D” and replace it with the following new Paragraph “D”:

- D. Parking shall be set back 50 feet from the ultimate right-of-way. Parking setbacks from side and rear property lines shall be the same as building setbacks with the exception of the portion of shared parking facilities which cross property lines. Parking spaces shall be set back a minimum of five feet from all buildings.

SECTION V. – Severability

The provisions of this Ordinance are intended to be 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, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION VI. – Failure to Enforce not a Waiver

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION VII. – Effective Date

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

SECTION VIII. – Repealer

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania, this 19th day of December, 2012.

WORCESTER TOWNSHIP

By: Arthur C. Bustard
Arthur C. Bustard, Chairman,
Board of Supervisors

Attest: F. Lee Mangan
F. Lee Mangan, Secretary

NOTICE

NOTICE is hereby given that the Board of Supervisors of Worcester, at its public meeting on December 19, 2012, at 7:30p.m. at the Worcester Township Community Hall, 1031 Valley Forge Road, Fairview Village, Worcester, Pennsylvania, will hold a public hearing on and could vote to adopt an ordinance entitled "Amendments to Cedars Village Overlay District" amending the Code of the Township of Worcester, Chapter 150 (Zoning), Article XXD (Cedars Village Overlay District), Section 150-146.22 (Use Regulations – Class 2), Paragraph "A" (By-right Uses) to permit single family detached dwelling units according to the provisions of the underlying zoning district; amending Section 150-146.22 (Use Regulations – Class 2), Paragraph "B" (Conditional Uses), Subparagraph (1) to require the provision of common open space for passive recreational use for two family or multi-family residential uses in an existing residential structure; amending Section 150-146.24 (Additional Development Standards) to add a new paragraph requiring the provision of common open space for parcels greater than five acres; and amending Section 150-146.27 (Street Access and Parking), Paragraph "D" to require that parking be set back 50 feet from the ultimate right-of-way.

Copies of the proposed Ordinance are available for examination during normal business hours at the offices of *Times Herald*, 410 Markley Street, Norristown, Pennsylvania 19404, the Montgomery County Law Library, Court House, Norristown, Pennsylvania 19401, and the Worcester Township Building, 1721 Valley Forge Road, Worcester, Pennsylvania 19490 where a copy of the proposed Ordinance may be obtained for a charge not greater than the cost thereof.

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WISLER PEARLSTINE, LLP
Solicitor for Worcester Township