

ORDINANCE NO. 4

AN ORDINANCE OF THE TOWNSHIP OF WORCESTER, COUNTY OF MONTGOMERY, COMMONWEALTH OF PENNSYLVANIA, REGULATING THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE MINIMUM SIZE OF YARDS AND OTHER OPEN SPACES, THE LOCATION, ERECTION, CONSTRUCTION AND USE OF BUILDINGS AND STRUCTURES AND THE USE OF LAND FOR TRADE, INDUSTRY, AND OTHER PURPOSES, PROVIDING FINES AND PENALTIES FOR VIOLATIONS: AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT THEREOF.

WHEREAS all the matters and things required to be done by the Act of The General Assembly approved July 10, 1947, P.L. 1481, and cited as "The Second Class Township Code," and amendments thereto, have been complied with, in order that the Board of Township Supervisors may avail itself of the powers conferred by said act, NOW, THEREFORE.

THE BOARD OF SUPERVISORS OF WORCESTER TOWNSHIP DO ORDAIN:

ARTICLE I

SECTION 101. Short Title: This Ordinance shall be known and may be cited as the Worcester Township Zoning Ordinance, and the map hereto attached as the Worcester Township Zoning Map.

SECTION 102. This Ordinance is enacted for the purposes, inter alia, to lessen congestion on the roads and streets, to secure safety from fire, panic and other dangers, to promote health, and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision for transportation, water, sewerage, school, parks and other public requirements; and promote the health, safety, morals and general welfare of the Township of Worcester, County of Montgomery, Commonwealth of Pennsylvania.

SECTION 103. This Ordinance shall take effect 10 days after its passage.

SECTION 104. Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated.

1. Single-Family Detached Dwelling: A building designed as a dwelling for only one family and having no party wall in common with a contiguous building.

2. Accessory Building: An accessory building is a building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.

3. Private Garage: A building used for the storage of one or more automobiles or trucks owned and used by the owner or tenant of the lot on which it is erected for a purpose accessory to the use of the lot, and for storage of not exceeding two additional automobiles owned or used by others.

4. Public Garage: A building, other than a Private or a Minor Garage used for the storage or repair of automobiles or trucks.

5. Building: Building is used to include a building, shed, garage, stable, greenhouse, or other accessory building. The term "building" does not include and portable or vehicular housing device or similar structure.

6. Building Area: The aggregate of the maximum horizontal cross-section areas of the building on a lot at the foundation including porches.

7. Lot: A certain defined plot or parcel of land upon which a building or buildings can be constructed in compliance with the provisions of this ordinance.

8. Lot Area: The area of that portion of the lot or parcel of land lying between the side property lines and between the side property lines and between the front and rear property lines, provided that the area shall be measured not to include any portion of a street, road or alley.

9. Yard: An open, unoccupied space on the same lot with a building, open and unobstructed from the ground to the sky, designated as:

(a) FRONT YARD: A yard of the full width of the lot and not less in depth than the minimum distance required between the center street (or road) line and the building setback line in each district.

(b) SIDE YARD: A yard between the buildings or attached structure and the adjacent side line of the lot and extending from the front yard to the rear yard.

(c) REAR YARD: A yard of the full width of the lot, located between the extreme rear line of the lot, or the nearest side line of a street, driveway or alley, and the rear line of the main structure.

10. Building Setback Line: The building setback line shall be the rear line of the minimum front yard, herein designated for each district, the distance measured from the legal center line of the street, road or alley.

11. Yards and Other Open Spaces: No yard, court or other open space provided about any building for the purpose of complying with the provisions of these regulations shall again be considered as a yard, court or other open space for another building.

12. Farm: A farm is a parcel of land on which a principal building and its accessories are placed, the major portion of which is devoted to the practice of agriculture.

13. Family: Any number of individuals living and cooking together as a single household unit.

14. Telephone Central Office, Electric/Gas Utility Building: A building and its equipment erected and used for the purpose of facilitating transmission and exchange of telephone messages between subscribers or for supplying electricity or gas, or both or for other business purposes of the utility: provided that in a residential district a telephone central office, electric/gas utility building shall not include public business facilities, storage or materials, trucks or repair facilities, or housing of repair crews, and the external architectural appearance be approved by the Board of Adjustment.

15. Special exception shall be taken to mean the permission or approval granted by the Board of Adjustment in situations where provision therefor is made by the terms of this Ordinance.

16. Alteration: An alteration, as applied to a building, is any change or re-arrangement in the structural parts, or any enlargement, whether by extending on any side or by increasing in height, or moving from one location or position to another.

17. Use of land and/or building shall be determined by existing usage and not by intended use.

18. Trailer Camp: Two or more trailers shall constitute a trailer camp.

## ARTICLE II

### Districts

**SECTION 201. Districts.** The Township of Worcester shall be hereafter divided into districts, which are herein described and are located and bounded as shown on the Zoning Map. The said map and all the notations and references shown thereon shall be as much a part of this Ordinance as if fully described herein.

The said map is on file with the Secretary of the Board of Supervisors.

**SECTION 202.** Boundaries of Districts: Where uncertainty exists, with respect to the boundaries of the various districts, as shown on the Zoning Map, the following rules shall apply:

(a) The boundaries between districts are, unless otherwise indicated the center lines of roads or lines parallel thereto.

(b) In undivided property, the district boundary lines on the Zoning Map shall be determined by use of the scale of the map.

**SECTION 203.** For the purpose of this Ordinance, Worcester Township is hereby divided into three districts which shall be designated as follows:

R 150	Residential
R 100	Residential
c 100	Commercial

### ARTICLE III

#### R 150 Districts

**SECTION 300.** In R 150 Districts the following regulations shall apply:

**SECTION 301.** A building may be erected, altered or used, and a lot or premises may be used for any of the following purposes and for no other;

(a) Single family detached dwelling.

(b) Farming.

(c) School buildings, churches, public libraries, municipal buildings not of a commercial character, railway or bus passenger station where no repairs are made, telephone, electric or gas central office, private greenhouse.

(d) Accessory use of the same lot with and incidental to any of the above permitted uses. This shall be understood to include the professional office or studio of a doctor, dentist, teacher, artist, architect, musician, lawyer, magistrate, or similar professional practitioner, or rooms used for home occupations, including dressmaking, millinery, or similar handicrafts:

provided the office, studio or occupation rooms are located in a dwelling in which the practitioner resides or is located in a building accessory thereto.

**SECTION 302.** A lot area of not less than 30,000 square feet per family shall be provided for every building hereafter erected, altered or used in whole or in part as a dwelling. Should a lot be held in single or separate ownership at the effective date of this Ordinance having an area of less than 30,000 square feet a dwelling may be built thereon.

**SECTION 303.** The maximum buildable area shall not exceed 20% of the lot area.

**SECTION 304.** Lot Frontage. Every lot shall have a frontage of not less than 150 feet. Should a lot be held in single or separate ownership at the effective date of this Ordinance having a frontage of less than 150 feet, a dwelling may be built thereon.

**SECTION 305.** There shall be a Front Yard. The front yard shall have a depth of at least 75 feet from the center line of the street.

**SECTION 306.** Side Yards. There shall be a side yard on each side of the main building, each of which shall be at least 25 feet in width.

**SECTION 307.** There shall be Rear Yards. The rear yard shall have a depth of at least 75 feet from the property line.

**SECTION 308.** Corner Lots. That side yard facing on each street shall be a minimum of 75 feet from the center line of the street.

**SECTION 309.** All septic tanks, cesspools or connections thereto hereafter constructed or placed shall be located at least 15 feet from all property lines.

**SECTION 310.** An accessory building or private garage which may be erected in the rear yard shall be built at least 10 feet from the side or rear line of said lot, which ten feet shall remain unbuilt upon and unobstructed at all times.

#### ARTICLE IV

##### R 100 Residential Districts

**SECTION 400.** In R 100 Residential districts the following regulations shall apply:

**SECTION 401.** A building may be erected, altered or used, and a lot or premises may be used for any of the following purposes and for no other:

(a) A use permitted in R 150 Residential Districts.

**SECTION 402.** A lot area of not less than 20,000 square feet per family shall be provided for every building hereafter erected, altered, or used in whole or in part as a dwelling. Should a lot be held in single or separate ownership at the effective date of this Ordinance have an area of less than 20,000 square feet, a dwelling may be built thereon.

**SECTION 403.** The buildable area. The maximum buildable area shall not exceed 20% of the lot area.

**SECTION 404.** Lot Frontage. Every lot shall have a frontage of not less than 100 feet. Should a lot be held in single or separate ownership at the effective date of this Ordinance having less than 100 feet frontage, a dwelling may be built thereon.

**SECTION 405.** Front Yards. The front yard shall have a depth of at least 75 feet from the center line of the street.

**SECTION 406.** Side Yards. There shall be a side yard on each side of the main building, each of which shall be at least 25 feet in width.

**SECTION 407.** Rear Yards. The rear yard shall have a depth of at least 75 feet.

**SECTION 408.** Corner Lots. That side yard facing on each street shall be a minimum of 75 feet from the center line of the street.

**SECTION 409.** An accessory building or private garage which may be erected in the rear yard, shall be built at least 6 feet from the side and rear lines of said lot, which six feet shall remain unbuilt upon and unobstructed at all times.

**SECTION 410.** All Septic tanks, cesspools or connections thereto, hereafter constructed or placed shall be located at least 15 feet from all property lines.

## ARTICLE V

### C 100 Commercial Districts

**SECTION 500.** In C 100 Commercial Districts the following regulations shall apply:

**SECTION 501.** A building may be erected, altered or used, and a lot or premises may be used for any of the following purposes and no other:

1. The uses permitted in R 100 Residential Districts.
2. Store, office, studio, personal service shop, bank, financial institution, telegraph office.
3. Hotel, rooming house, boarding house, tourist house, livery stable.
4. Restaurant, tea room, theatre, place of amusement, animal hospital, green house, mortuary.
5. Motor vehicle sales agency, minor or private garage, parking lot for motor vehicles
6. Bakery, pastry, candy, confectionery, or ice cream shop or factory for the production of products to be sold at retail on the premises and employing not more than five persons.
7. Hand laundry employing not more than five persons.
8. Public garage, motor vehicle service and repair shop, gasoline service station.
9. Storage house, express, carting or hauling station, yard for storage and sale of coal, fuel oil or building materials.
10. Metal working, blacksmith, tinsmith, or pipe fitting shop, carpenter, upholstering, electrical, plumbing, farm supply, paint store.
11. Laundry, dry cleaning, tailoring, dressmaking, shoemaking or repairs
12. Manufacture and sale of jewelry, watches, clocks, optical goods, musical, professional and scientific instruments.
13. Newspaper or job printing, bookbinding.

14. Accessory use on the same lot with and customarily incidental to any of the above permitted uses.
15. Any use of the same general character as any of the uses hereinbefore specifically permitted when authorized as a special exception by the Board of Adjustment.

**SECTION 502.** No building may be erected, altered or used, for any trade, industry, or business that is noxious or offensive by reason of odor, dust, smoke, gas, vibration, noise, or which constitutes a fire hazard.

**SECTION 503.** A lot area of not less than 12,500 square feet shall be provided for every building hereafter erected, altered or used as a dwelling.

**SECTION 504.** The building area of any building hereafter erected, altered or used, in whole or in part as a dwelling shall not exceed 30% of the lot area.

**SECTION 505.** Where the building is used only for commercial purposes, and no part of which is used as a dwelling, the maximum buildable area shall be 50% of the lot.

**SECTION 506.** The front building line shall be at least 15 feet from the street line.

**SECTION 507.** Every building hereafter erected, altered, or used shall have two side yards, one of which shall be at least 15 feet wide while the other shall be at least 25 feet wide.

**SECTION 508.** Lot Frontage. Every lot shall have a frontage of not less than 100 feet.

**SECTION 509.** Where the building is used for commercial purposes and no part of which is used as a dwelling, there shall be a rear yard of at least 40 feet.

**SECTION 510.** Where any part of a building is used as a dwelling, there shall be a rear yard of at least 75 feet. An accessory building or private garage which may be erected in the rear yard of a dwelling, shall be built at least 6 feet from the side and rear lines of said lot, which six feet shall remain unbuilt and unobstructed at all times.

**SECTION 511.** In case of a corner lot the building shall sit back at least 15 feet from the street line.

**SECTION 512.** The following industry, business or enterprise shall be unlawful under this Ordinance.



Abattoirs,  
Acetylene gas manufacture,  
Acid Manufacture,  
Airports,  
Ammonia, bleaching or chlorine manufacture,  
Arsenal,  
Asphalt manufacture or refining,  
Automobile dismantling or junk establishment, unless  
carried on in an enclosed building,  
Candle manufacture,  
Celluloid manufacture,  
Coke Oven,  
Commercial advertising on bill boards, except  
advertising of a business or industry conducted on  
the premises,  
Commercial dog kennels,  
Creosote treatment or manufacture,  
Disinfectants manufacture,  
Dumping, except earth and stone fill, except as  
accessory to an otherwise lawful use,  
Dyestuff manufacture,  
Emery cloth and sand paper manufacture,  
Exterminator and insect poison manufacture,  
Fat rendering,  
Fertilizer manufacture,  
Fireworks or explosive manufacture or storage,  
Fish smoking or curing,  
Glue, size, or gelatine manufacture,  
Lampblack manufacture,  
Match manufacture,  
Oil cloth or linoleum manufacture,  
Tannery, curing or storage of leather, rawhides or  
skins,  
Oiled or rubber goods manufacture,  
Ore reduction,  
Paint, oil, shellac, turpentine or varnish manufacture,  
Petroleum refining or storage,  
Plating works,  
Potash works,  
Printing ink manufacture,  
Pyroxylin manufacture,  
Racetrack,  
Rubber caoutchouc or gutta-percha manufacture or  
treatment,  
Salt works,  
Shoe blackening manufacture,  
Smelters,  
Soap manufacture,  
Soda and compound manufacture,  
Stock yards,  
Storage of leather, rawhide or skins,  
Stove polish manufacture,  
Sulphuric, nitric, or hydrochloric acid manufacture,  
Rendering of tallow or grease,

Tar distillation or manufacture,  
Tar roofing or waterproofing manufacture,  
Wool pulling or scouring,  
Yeast plant,  
Any use which may be noxious or offensive by reason of  
the emission of odor, dust, fumes, smoke, gas,  
vibration or noise, or which may be so dangerous, by  
reason of risk of fire or explosion, as to constitute a  
a public hazard.

## ARTICLE VI

**SECTION 600.** This Ordinance shall not apply to any existing or proposed building or extension thereof, used or to be used by a public utility corporation, if upon petition of such corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public; nor shall this Ordinance apply to any building of the Township or extension thereof, or to the use of any premises by the Township if the Board of Township Supervisors shall, after a public hearing decide that such building or extension thereof, or such use of any premises, is reasonably necessary for the convenience or welfare of the public, provided that any municipal recreation building or use may be established by the Board of Township Supervisors at any location on the Township without holding such public hearing.

**SECTION 601.** A Certificate of Conformity shall be obtained before beginning the erection of, or an addition to, any building or structure except that no Certificates shall be required for the following provided they conform to all other sections of this Ordinance:

- (a) Farm buildings.
- (b) Private garages, shops and sheds to be used solely by the residents of the plot on which they are located.

**SECTION 601-A.** Any dwelling existing on the effective date of this ordinance may be converted into a residence for two or more families, provided there is maintained 30,000 square feet in R 150 District, 20,000 square feet in R 100 District, and 12,000 square feet in C 100 District of unoccupied ground for each family unit of the converted building when authorized by special exception.

**SECTION 602.** No lot area shall be so reduced that the area of the lot or dimensions of the open spaces shall be smaller than herein prescribed.

**SECTION 603.** No trailer camps will be permitted within the confines of this Township.

**SECTION 604.** No junk yards or auto graveyards will be permitted in this Township.

**SECTION 605.** No piggeries will be permitted where any garbage is used for feed, except that which comes from the kitchen of the household on the lot where the pigs are kept.

**SECTION 606.** Validity. Should any section or provision of this Ordinance be declared by court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any other part thereof.

**SECTION 607.** Interpretation, purpose and conflict. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety and morals and general welfare of the Township.

#### ARTICLE VII

**SECTION 700.** Land: Any land, the existing lawful use of which at the time of passage of this Ordinance, which does not conform with the regulations of the district in which it is located, may continue in such use, but shall be subject to the regulations covering non-conforming uses.

**SECTION 701.** Buildings; Any lawful building or the lawful use of any building existing at the time of the passage of this Ordinance that does not conform to use, location, size or bulk, with the regulations of the district in which it is located, shall be considered a non-conforming building or use, and may continue such use in its present location, but shall be considered a non-conforming building or use.

**SECTION 702.** Change of Use: A non-conforming building or use shall be considered as such unless and until it complies with the regulations of the district in which it is located. Such use shall not be changed to a use designed for a district having less restricted regulations.

**SECTION 703.** Change or Resumption of Non-conforming Use: The Board of Adjustment shall have discretion to determine what resumption or change of non-conforming use is of the same class of use and permissible.

**SECTION 704.** Discontinued Use: a non-conforming use, when discontinued, may be resumed any time within one year from such discontinuance, but not after, as the same class of use, but cannot be resumed as a non-conforming use of a lower class.

**SECTION 705.** Destroyed or Condemned: A building containing a non-conforming use and a building non-conforming as to area, destroyed or legally condemned, may be reconstructed and used for the same non-conforming use: Provided re-construction is commenced within one year and carried on to completion without undue interruption, and provided that the building, when rebuilt does not exceed in height and area the building so destroyed or condemned, subject also to other regulations of non-conforming uses herein contained.

## ARTICLE VIII

### CERTIFICATES OF CONFORMITY

**SECTION 800.** The Board of Supervisors shall appoint one of their members as the "Zoning Officer," and it shall be his duty and he is hereby given power and authority to enforce the provisions of this Ordinance.

**SECTION 801.** The Zoning Officer shall require that the application for a Certificate of Conformity shall contain all the information necessary to ascertain whether the improvement, building or addition, complies with the provisions of this Ordinance, and if compliance is evident, a certificate shall be issued unless the proposed improvement complies with all the provisions of this Ordinance.

**SECTION 802.** It shall be unlawful for any person to commence work on any building or structure until a certificate has been issued, when such certificate is required under the provisions of this Ordinance.

**SECTION 803.** The applicant for a Certificate of Conformity, shall, at the time of making application, pay to the Zoning Officer for the use of the Township, a fee in accordance with a Fee Schedule adopted by resolution of the Board of Supervisors upon the enactment of this Ordinance or as such Schedule which may be amended by resolution of the Board of Supervisors.

## ARTICLE IX

### BOARD OF ADJUSTMENT

**SECTION 900.** The Board of Township Supervisors shall appoint a Board of Adjustment consisting of three (3) members as provided by Section 2007 of the Act of Assembly approved July 10, 1947, said act being known as "The Second Class Township Code." The Board of Adjustment shall follow the rules of procedure, and have powers assigned by the aforesaid Section 2007.

## ARTICLE X

### VIOLATIONS, FINES, REMEDIES AND CHARGES

**SECTION 1000.** Failure to secure a Certificate of Conformity or Board of Adjustment Certificate when required previous to the erection, construction, extension or addition to a building shall be a violation of this Ordinance.

**SECTION 1001.** Notice of Violation: When written notice of a violation of any of the provisions of this Ordinance has been served by the Zoning Officer on the owner, agent or occupant, contractor or builder, such violation shall be discontinued immediately.

**SECTION 1002.** Fines: For any and every violation of the provisions of this Ordinance, the owner, general agent, or contractor of a building on premises where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, and the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist, and the general agent, architect, building contractor or any other person who knowingly commits, takes part or assists in any such violations or who maintains any building or premises in which any such violation shall exist, shall be liable on conviction thereof to a fine not exceeding twenty-five dollars (\$25.00) dollars for each and every offense, which shall enure to the benefit and use of the Township, with costs of suit; and in default of the payment thereof, the Justice of the Peace may, in his discretion, commit the offender to imprisonment in the County Jail for a period not exceeding five days (5 days) for each and every offense. Whenever such person has been officially notified by the Zoning Officer or by service of a summons in a prosecution, or in any other official manner, that he is committing a violation, each day's continuance of such violation after such notification shall constitute a separate offense, punishable by a like fine or by penalty. Such fines shall be collected as like fines are now collected by law.

**SECTION 1003. Remedies.** In case any building or structure is erected, constructed or altered, or any building, structure or land is used in violation of this Ordinance, the Board of Supervisors in addition to other remedies provided by law, may institute any appropriate action or proceedings to prevent such unlawful erection, construction or alteration, or use, to restrain, correct to abate such violation, to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

**SECTION 1004.** The Board of Supervisors shall adopt by resolution a Fee Schedule setting forth the charges to be made payable in advance to cover the necessary expenses in connection with appeals, special exceptions, or variances to this Ordinance.

## ARTICLE XI

### CHANGES

**SECTION 1100.** The Board of Township Supervisors may from time to time amend, supplement, change, modify or repeal this Ordinance, including the Zoning Map, by proceeding in the following manner:

**SECTION 1100.** The Board of Township Supervisors shall by resolution fix the time and place of a public hearing on the proposed amendment and cause notice thereof to be given as follows:

(a) By publishing a notice thereof once a week for two (2) successive weeks in one newspaper of general circulation, published in Montgomery County and circulated within Worcester Township.

(b) By posting notices thereof in public places within the Township.

(c) The notices shall state the general nature of the proposed amendment.

**SECTION 1102.** Whenever the owners of fifty (50%) per cent of more of the frontage in any area wherein a change of zoning regulations is sought shall present to the Board of Township Supervisors a petition duly signed and acknowledged requesting an amendment, supplement, change, modification or repeal of the regulations prescribed for, or the Zoning Map including such area, it shall be the duty of the Board of Township Supervisors to hold a public hearing thereon, and cause notice thereof to be given in the manner prescribed in Section 1101.

**SECTION 1103.** At each public hearing full opportunity to be heard shall be given to any citizen and all parties in interest.

**SECTION 1104.** In case of a protest against such changes, signed by the owners of twenty per cent or more, either of the area of the lots including in such proposed change or those immediately adjacent or in the rear thereof extending one hundred feet therefrom or of those directly opposite thereto extending one hundred feet from the street frontage of such opposite lots, such amendment shall not become effective except by a majority vote of the entire membership of the Board of Township Supervisors.

Approved by the Board of Township Supervisors of Worcester Township and enacted into an Ordinance the 23rd day of March, 1953 A.D.

WORCESTER TOWNSHIP SUPERVISORS

L. A. DETWILER

CLAUDE H. BEYER

RUSSELL H. PLACE