

**WORCESTER TOWNSHIP
BOARD OF SUPERVISORS**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2011-_____

"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 FROM ONE HUNDRED FIFTY FEET TO ONE HUNDRED FEET; AND TO AMEND ARTICLE XXIV (GENERAL REGULATIONS), SECTION 150-177 (ACCESSORY USE; ACCESSORY STRUCTURES) TO ESTABLISH NEW REGULATIONS FOR THE USES AND STRUCTURES WHICH ARE PERMITTED AS ACCESSORY TO AGRICULTURAL USES AND SINGLE-FAMILY DETACHED RESIDENTIAL USES.

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 revised so as to hereinafter read as follows:

- B. Nonresidential uses. All nonresidential uses shall be governed by the following yard requirements:
- (1) One hundred fifty feet shall be the minimum size of front, side and rear yards for religious buildings.
 - (2) One Hundred feet shall be the minimum size of front, side and rear yards for agricultural buildings.

- (3) Two hundred fifty feet shall be the minimum size of front yards and 125 feet shall be the minimum size of side and rear yards for all structures except single-family detached, religious and agricultural uses.
- (4) In no case shall the minimum yard area for any use be smaller than the minimum yard area required for single-family detached homes, as specified in § 150-13A.

SECTION II. Amendment to the Code.

The Code of the Township of Worcester, Chapter 150 (Zoning), Article XXIV (General Regulations), Section 150-177 (Accessory use; accessory structure) is hereby revised so as to hereafter read as follows:

§150-177 Accessory use; accessory structure.

Accessory uses and structures authorized in this chapter include the following:

- A. Agricultural uses: greenhouse, seasonal roadside stand for the sale of agricultural products produced on the premises, barn, shed, silo or similar structure used for agriculture or for the processing of agricultural products produced on the premises. No such building or structure shall be erected within 100 feet of any property line, except that seasonal roadside stands for the sale of agricultural products produced on the premises may be located in the front yard, not less than 25 feet from any neighboring property line and not within the legal right of way of any street or road. Seasonal roadside stands must be located at least 300 feet from any intersection and may not interfere with sight distances or create a safety hazard to motorists or pedestrians.
- B. Single-family detached residential uses: private garage, private greenhouse, private parking space, shelter and/or fencing for domestic pet, private storage shed, private swimming pool, private tennis court or sports court, and private stable.

(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 no closer than 40 feet to any property line. 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.

(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 building envelope and behind the Building Line. In no case shall the distance from the pool to the side or rear property line be less than 25 feet, and 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.

(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 or 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, horses or cattle up to one year old, 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 not less than 50 feet from any property line.

(6) Decorative structures such as garden trellises, arbors, benches, and the like, but specifically not including storage units, sheds, greenhouses, or other work areas, may be located no closer than 10 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 attached to or located adjacent to private mailboxes.

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

(9) Utility structures to serve agricultural uses and single-family residential uses shall be exempt from the setbacks in this section.

C. 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. Repealer.

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

SECTION IV. 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 V. 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 VI. Effective Date.

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

ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania this ____ day of _____, 2011.

WORCESTER TOWNSHIP

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

By: _____
Susan G. Caughlan, Vice Chairman,
Board of Supervisors

By: _____
Stephen C. Quigley, Member,
Board of Supervisors

NOTICE

NOTICE is hereby given that the Board of Supervisors of Worcester Township, at its public meeting on _____, at _____ .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 "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 from one hundred fifty feet to one hundred feet; and to amend Article XXIV (General Regulations), Section 150-177 (Accessory Use; Accessory Structures) to establish new regulations for the uses and structures which are permitted as accessory to agricultural uses and single-family detached residential uses.

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, 1421 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
WISLER PEARLSTINE, LLP
Solicitors for Worcester Township