

**MINUTES**  
**WORCESTER TOWNSHIP PLANNING COMMISSION**  
**WORCESTER TOWNSHIP COMMUNITY HALL**  
**1031 VALLEY FORGE ROAD, WORCESTER, PA 19490**  
**THURSDAY, October 24, 2024 - 7:00 PM**

**1. CALL TO ORDER**

The meeting was called to order at 7:00PM

**2. ATTENDANCE**

All the members were present.

**3. APPROVAL OF MEETING MINUTES**

Minutes from the October 24<sup>th</sup>, 2024 Planning Commission meeting were approved unanimously with no amendments.

**4. WORCESTER TOWNSHIP OPEN SPACE UTILIZATION AND ACQUISITION ANALYSIS**

Chair Sherr provided background on a recent court case from Upper Pottsgrove. The case involved the municipality building a municipal building on open space. He expressed concern that the case might affect what could be done with Worcester's open space.

Member Bob Andorn questioned whether there were any restrictions that the new case would add to properties and what specific uses would be allowed. He would like to see if something like parking would be limited or if it would be specifically the building.

Township Manager, Dan DeMeno explained that the land in the Upper Pottsgrove case was bought with dedicated open space tax revenue. This would not be an issue in Worcester as the Township does not have a dedicated open space tax. However, Mr. DeMeno stated that he would follow up with the Township Solicitor on this matter.

Mr. Andorn indicated that he would rather not invest in a project until the Planning Commission gets an opinion on the case and new restrictions. He also provided an overview of the sites that were visited by some of the Planning Commission members.

Mr. Sherr stated that a bandshell might not be allowed.

Township Engineer, John Evarts pointed out that there are existing structures at Heebner Park that might make it easier to argue the building of additional structures.

Mr. DeMeno explained that there were large scale exhibits of open space parcels with contour lines that were being created by Mr. Evarts.

Mr. Andorn explained that there were properties that were along the trail that he felt not much could be done with. These three properties were expected to be sold to attempt to buy more space. He went on to list the properties that were seen on the site visit including Heiser Field, Griffith, Mt. Kirk and adjacent properties. He stated that these properties have significant potential.

Vice Chair Michelle Greenawalt indicated that a few residents came out and her questions about the open space involve the current usage. For example: How much the fields are being rented out. She also likes a little history of the property, so traditions are upheld.

## **5. LAND DEVELOPMENT**

The Wangia Minor Subdivision - 1205 Hollow Road.

Mr. Sherr introduced the topic and asked if the applicant's Engineers had received the review letters.

All County Engineers stated that they had received review letters from both the Township Engineer and the Township Traffic Engineer and would need to seek zoning relief. The stormwater positioning also needed to be addressed, and since there is plenty of acreage on the properties, the applicant's Engineers felt confident in their ability to address these issues.

Mr. Sherr said there is not a lot of evidence brought up about subdividing and his questions concern the development of the lots after they are subdivided. He asked if this was only a subdivision, and All County Engineers confirmed that it was only for a subdivision.

Mr. Evarts further clarified that septic testing sites and backups are on the plans and his main concerns were some of the locations of stormwater and driveways. He also clarified that the property owner could subdivide and then apply for building permits, which is not uncommon in smaller subdivisions.

All County Engineers agreed that the current plan was to get the subdivision and then to apply for development once there are owners for the lots so that the new owners could choose specific housing layouts. These individual choices would impact things like stormwater.

Mr. Evarts stated that the lots fall into the allowable options for development in their zoning district.

Mr. Sherr asked for clarification on driveway access.

Mr. Evarts clarified that there is a dual access driveway, and the township would have to decide if the driveway should be shared. He also identified a slope issue and asked about the easement for the barn.

All County Engineers stated that the easement agreement for the barn was signed but never recorded and the owner is now in the process of revising and recording the agreement.

Mr. Evarts also clarified that there are two flag lots.

Mr. Andorn clarified that this is in fact a minor subdivision as the county listed it as a major subdivision.

Mr. Evarts stated that it was reviewed as a major subdivision.

Mr. Andorn said that he was not sure if this was an issue. He asked if this subdivision would change into a possible subdivision from a lot line change in 2015. Mr. Andorn also wanted clarification for the Growing Greener program which requires 10 acres.

Mr. Evarts clarified that there were not any deed restrictions on record.

Mr. Andorn stated that if a property has more than 10 acres then something might have conservation subdivisions.

Mr. Evarts stated that there would not be an issue with this as there are different development options.

Mr. Andorn explained that his concern was any possible restriction with the 2015 subdivision. He also stated that he would like to see all issues raised in the review letters addressed before providing a recommendation.

Mr. Evarts asked if there were waivers being requested. He listed waivers for road widening, curbing, and sidewalks that would likely be asked for. Mr. Evarts continued to say that with only the waiver issues outstanding, he did not feel comfortable making a recommendation to the Planning Commission.

Mr. Andorn wanted to give the applicant an acknowledgement that there are no significant issues or questions that the Planning Commission has. Although, he also pointed out that perking right now would not yield good results.

All County Engineers stated they did the perk tests a couple of months ago and found spots on all lots. Clarification about the dates of the deed were given. The property was deeded in 2017.

Mr. Sherr suggested that the Planning Commission send All County to continue to work as the Planning Commission was not ready to vote with the waiver issue being outstanding.

All County Engineers agreed to come back once the waivers were done.

Mr. DeMeno said that there was a waiver of timelines. However, All County Engineers suggested that they hope to be back in front of the Planning Commission for the next meeting.

## **6. OTHER BUSINESS**

Mr. DeMeno introduced a zoning ordinance amendment for fences and cell tower facilities. The existing cell tower ordinance would be moved under zoning rather than where it is currently located.

Mr. Andorn asked for clarification on the redlined version of the ordinance as he was concerned that rules around accessory structures might be removed.

Mr. DeMeno stated that the accessory structures section is not part of the ordinance today and will be brought to the commission at a later date, and the current rules would stay in place.

Mr. DeMeno provided a summary of the changes to the ordinance. The first change would be a change in the height of fences from 5 feet to 6 feet. He also discussed the language for front yard fencing, currently allowed to be 4 feet tall of split rail or picket. The new language would allow for other designs like wrought iron. This ordinance would also prohibit barbed wire and junk fences. Another section includes engineered retaining walls and definitions for walls.

Mr. Sherr opened the discussion for comment.

Motion to recommend approval of fence & wireless facilities amendment by the Board of Supervisors – Mr. Andorn made the motion, and it was passed unanimously.

Mr. Sherr gave a brief overview of the bandshell discussion as well as the fact that the Planning Commission had discussed it earlier.

Mr. DeMeno informed the Planning Commission that the current draft of the 2025 budget did not have money to build the bandshell. He explained that, for good budgeting practice, he feels that there is no rush, and they can take their time to collect good community feedback before a project like this.

## **7. PUBLIC COMMENT**

Bill McGrane spoke about the bandshell placement. He also expressed concern that the Township might not need a bandshell. Mr. McGrane indicated that there might be restrictions on the Heiser Field property so building a bandshell would be ill-advised.

Dana Common expressed concern about a bandshell being built on Heiser Field.

Another resident 1704 Brooks wanted to thank the Township for involving people in the process of planning.

Elizabeth Moran also expressed concern about a bandshell being built on Heiser Field.

Mr. Andorn spoke about the understanding of the usage of open space and how that might influence future usage, goals, and weaknesses in the current infrastructure.

Mr. Koch spoke about separate facilities for horses to have safety.

Mr. Andorn spoke about the bandshell some more and stated he would like to have more public input.

Brad Smith asked about the next meeting as he is not available to discuss his subdivision land development plan.

Ms. Greenawalt made a motion to move the next meeting to November 21<sup>st</sup> and the motion passed unanimously.



## 8. ADJOURNMENT

The meeting was adjourned at 8:18 PM.

### active applications (review period expiration)

- LD 2017-02 Palmer Village, LLC (*review period waived*)
- LD 2022-01 City View (*review period waived*)
- LD 2024-01 Wangia Subdivision (*review period waived*)













3126 Main Street  
P.O. Box 269  
Sumneytown, PA 18084-0269  
Phone: 215-234-4562  
Fax: 215-234-0889

October 4, 2024

Dan DeMeno  
Worcester Township  
1721 Valley Forge Road  
P.O. Box 767  
Worcester, PA 19490

**Subject: C. Bradford & Sandra B. Smith – Minor Subdivision Plan  
3120 Fisher Road, Worcester Township**

Dear Mr. DeMeno:

Enclosed please find the following in support of a Residential Minor Subdivision Plan submission:

1. One (1) Worcester Township - Subdivision Application.
2. One (1) copy of the subject property deed.
3. One (1) Extension of Time letter dated October 4, 2024.
4. One (1) Montgomery County Planning Commission – Applicant Request for County review.
5. One (1) check in the amount of \$ 2,000.00 payable to ‘Worcester Township’- subdivision application fee.
6. One (1) check in the amount of \$ 6,000.00 payable to ‘Worcester Township’ – professional escrow fee.
7. Eighteen (18) copies Minor Subdivision Plan dated October 3, 2024.
8. One (1) Waiver Request letter dated October 4, 2024.
9. One (1) electronic file CD with copy of the Subdivision Plan and supporting information in PDF.

Should you have any questions, please do not hesitate to contact me.

Sincerely,  
**URWILER & WALTER, INC.**

*Scott T. Camburn*  
Scott T. Camburn

Enclosures cc: Bradford Smith

ERECTED INTO A TOWNSHIP IN 1733  
**TOWNSHIP OF WORCESTER**  
AT THE CENTER POINT OF MONTGOMERY COUNTY  
**PENNSYLVANIA**

1721 Valley Forge Road  
P.O. Box 767  
Worcester, PA 19490

Phone (610) 584-1410  
Fax (610) 584-8901

APPENDIX

SUBDIVISION AND LAND DEVELOPMENT APPLICATION

Date of Application: \_\_\_\_\_ Fee Paid: \_\_\_\_\_ W.T.P.C File No \_\_\_\_\_

Application for:

Preliminary Review     X      
Final Review     X    

1.) Property: Address 3120 Fisher Road

Location/Parcel Number 67-00-01190-00-3

2.) Owner of record of land: Name C. Bradford & Sandra B. Smith Tel. # 267-664-2220

Address: 3120 Fisher Road, P.O. Box 157, Worcester, PA 19490 Email brad@bradfordwoodworking.com

3.) Applicant: Name C. Bradford & Sandra B. Smith Tel. # 267-664-2220

Address 3120 Fisher Road, P.O. Box 157, Worcester, PA 19490 Email brad@bradfordwoodworking.com

4.) Agent or Attorney, (if any): Name \_\_\_\_\_ Tel # \_\_\_\_\_

Address \_\_\_\_\_ Email \_\_\_\_\_

5.) Registered Engineer or Surveyor: Name Urwiler & Walter, Inc Tel # 215-234-4562

Address 3126 Main Street, P.O. Box 269, Sumneytown, PA 18084 Email scamburn@urwilerwalter.com

6.) Name of Subdivision or Development: C. Bradford & Sandra B. Smith - Minor Subdivision

7.) Where deed is recorded: Book No. 4785 Page No. 1038

8.) No. of Lots or Dwelling Units: 2

9.) Average Lot Size: 5.0 acres

10.) Density (dwelling units per acre): 0.2

11.) Total Area to be developed or subdivided: \_\_\_\_\_

\*Gross 10.20 acres \*\*Net 10.11 acres

Area in flood plain (if any) 1.32 acres

12.) Water Supply: Public system NA On lot system Yes

13.) Sewage System: Public system NA On lot system Yes

14.) List of all Encumbrances:

<u>Amount</u>	<u>Name &amp; Address of Person/Firm</u>	<u>Bk.No.</u>	<u>Pg. No</u>

15.) Zoning classification of subject land: LPD

16.) Explanatory statement of plan to be reviewed: Minor Residential Subdivision  
Subdivide 2.327 acre lot for a future residential building lot

17.) Linear feet of new streets: NA

18.) Copy of all restrictions, covenants, etc. If any, under which lots are to be sold.

Attached \_\_\_\_\_

None X

19.) Statement fixing period requested for completion of all items in Paragraph 18 above:

NA

20.) Improvements to be made by applicant to subject land with approximate estimate of cost of each:

	<u>Unit Cost</u>	<u>No. of Units</u>	<u>Total</u>
a. Curbs.....	_____		
b. Sidewalks.....	_____		
c. Widening of Existing Streets.....	_____		
d. Park Land.....		All NA	
e. Street Lighting.....	_____		
f. Storm Drainage.....	_____		
g. Water Supply & Fire Hydrants....	_____		
h. Sewage Disposal.....	_____		
i. Monuments.....	_____		
j. Landscaping.....	_____		
k. Etc. ....	_____		

21.) A copy of the description of the land as set forth in the deed shall be attached.

Signature of Owner

C. Bradford Smith

Date:

10-9-24

\* Gross Area – area calculated to center of street

\*\* Net Area – area calculated to the right of way. Net areas are to be used for density and land area requirements.

ERECTED INTO A TOWNSHIP IN 1733  
**TOWNSHIP OF WORCESTER**  
AT THE CENTER POINT OF MONTGOMERY COUNTY  
**PENNSYLVANIA**

1721 Valley Forge Road  
P.O. Box 767  
Worcester, PA 19490

Phone (610) 584-1410  
Fax (610) 584-8901

EXTENSION OF TIME

Date: October 4, 2024

Attn: Township Manager  
Worcester Township  
1721 Valley Forge Road  
P.O. Box 767  
Worcester, PA 19490

Dear Township Manager:

RE: SUBDIVISION PLAN/LAND DEVELOPMENT PLAN OF C. Bradford & Sandra B. Smith

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On October 4, 2024, I (we) submitted the referenced plan for official filing.

Please be advised that notwithstanding any contrary provision of the Pennsylvania Municipalities Planning Code or the Worcester Township Subdivision and Land Development Ordinance, this letter will serve as notice to Worcester Township that the requirement that action be taken on this Plan within ninety (90) days, is hereby waived, without limitation as to time.

This waiver is granted to permit us to make such adjustments or revisions to the Plan as may be required during the Plan review process.

If we ever deem it necessary to limit the time of the subdivision or land development review process, we may revoke this extension of time in writing, sent certified mail, return receipt requested, and the Township shall be obligated to render a decision on our plans within sixty (60) days after the date on which the written revocation notice was received.

If the township determines that insufficient progress is being made towards concluding the subdivision or land development review process, the Township may revoke this extension of time in writing, sent regular mail and certified mail, return receipt requested. For purposes of this provision, the Township's written notice shall be deemed received, if sent regular mail and certified mail, on the date of the written receipt on the certified mail return receipt, or, three (3) days after the date indicated on the Township's notification letter in the event the certified mail is return as "refused", "unclaimed", or is otherwise returned without indication of receipt, if addressed as follows (or to a subsequent address specifically provided to the Township by us for the purpose of notice):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

At any time sixty (60) days after our receipt of such notice from the Township, we understand that the Township may take (but shall not be obligated to take) such action with regard to our plans as the Township deems necessary and appropriate.

We further understand that nothing herein shall be construed to prevent us from offering, and the Township from accepting, additional extensions of time in the future, but neither party shall be obligated to do so by the terms of the Agreement.

Very truly yours,

By: C. Bradford Smith  
Signature  
C. Bradford Smith - Property Owner  
Print Name, Title

Date: 10-4-24

Accepted by:

\_\_\_\_\_  
Chairman, Board of Supervisors

Attest:

\_\_\_\_\_  
Manager/Secretary





3126 Main Street  
P.O. Box 269  
Sumneytown, PA 18084-0269  
Phone: 215-234-4562  
Fax: 215-234-0889

October 4, 2024

Planning Commission / Board of Supervisors  
Worcester Township  
1721 Valley Forge Road  
P.O. Box 767  
Worcester, PA 19490

**Subject: C. Bradford & Sandra B. Smith - Minor Subdivision Plan - Waiver Request letter  
3120 Fisher Road, Worcester Township**

Dear Members:

On behalf of the applicant, we hereby request the following **Waivers** from the Worcester Township Subdivision and Land Development Ordinance – Chapter 130, as last amended.

- 1. Section 130-16.C.(2)** Streets  
  
**Ordinance Requirement:** Roadway widening  
  
**Request for Modification:** Provide no roadway widening along the property frontage.
  
- 2. Section 130-18.A.(1)** Sidewalks and curbs  
  
**Ordinance Requirement:** Sidewalks shall be provided along all streets excepting where, in the opinion of the Township Supervisors, they are unnecessary for the public safety and convenience.  
  
**Request for Modification:** Provide no sidewalks along the property frontage.
  
- 3. Section 130-18.B.(1).a** Sidewalk and curbs  
  
**Ordinance Requirement:** Concrete curbs shall be installed along each side of every residential, secondary or commercial street or road.  
  
**Request for Modification:** Provide no concrete curb along the property frontage.

URWILER & WALTER, INC.

October 4, 2024 – C. Bradford & Sandra B. Smith - Waiver Request letter

Should you have any questions, do not hesitate to contact me.

Sincerely,

**URWILER & WALTER, INC.**

*Scott T. Camburn*

Scott T. Camburn

cc: C. Bradford & Sandra B. Smith

# Applicant Request for County Review

This request should be filled out by the applicant and submitted to the municipality where the application is being filed along with digital copies of all plan sets/information. Municipal staff will electronically file the application with the county, and a notice for the prompt payment of any fees will be emailed to the Applicant's Representative.



Date:   
Municipality:   
Proposal Name:   
Applicant Name:   
Address:   
City/State/Zip:   
Phone:   
Email:

Applicant's Representative:   
  
Address:   
  
City/State/Zip:   
Business Phone (required):   
Business Email (required):

## Type of Review Requested:

(Check All Appropriate Boxes)

- ☐ Land Development Plan  
☒ Subdivision Plan  
☐ Residential Lot Line Change  
☐ Nonresidential Lot Line Change  
☐ Zoning Ordinance Amendment  
☐ Zoning Map Amendment  
☐ Subdivision Ordinance Amendment  
☐ Curative Amendment  
☐ Comprehensive / Other Plan  
☐ Conditional Use  
☐ Special Review\*

*\*(Not included in any other category - includes parking lot or structures that are not associated with new building square footage)*

## Type of Plan:

- ☐ Tentative (Sketch)  
☒ Preliminary / Final

## Type of Submission:

- ☒ New Proposal  
☐ Resubmission\*

*\* A proposal is NOT a resubmission if A) The proposed land use changes, or B) The amount of residential units or square footage proposed changes more than 40%, or C) The previous submission was over 5 years ago.*

## Zoning:

Existing District:

Special Exception Granted ☐ Yes ☒ No

Variance Granted ☐ Yes ☒ No For

## Plan Information:

Tax Parcel Number(s)   
  
  
Location   
Nearest Cross Street   
Total Tract Area   
Total Tract Area Impacted By Development

*(If the development is a building expansion, or additional building on existing development, or only impacts a portion of the tract, please provide a rough estimate of the land impacted, including associated yards, drives, and facilities.)*

Land Use(s)	Number of New		Senior Housing		Open Space Acres*	Nonresidential New Square Feet
	Lots	Units	Yes	No		
Single-Family	1	1	<input type="radio"/>	<input checked="" type="radio"/>	NA	
Townhouses/Twins			<input type="radio"/>	<input type="radio"/>		
Apartments			<input type="radio"/>	<input type="radio"/>		
Commercial						
Industrial						
Office						
Institutional						
Other						

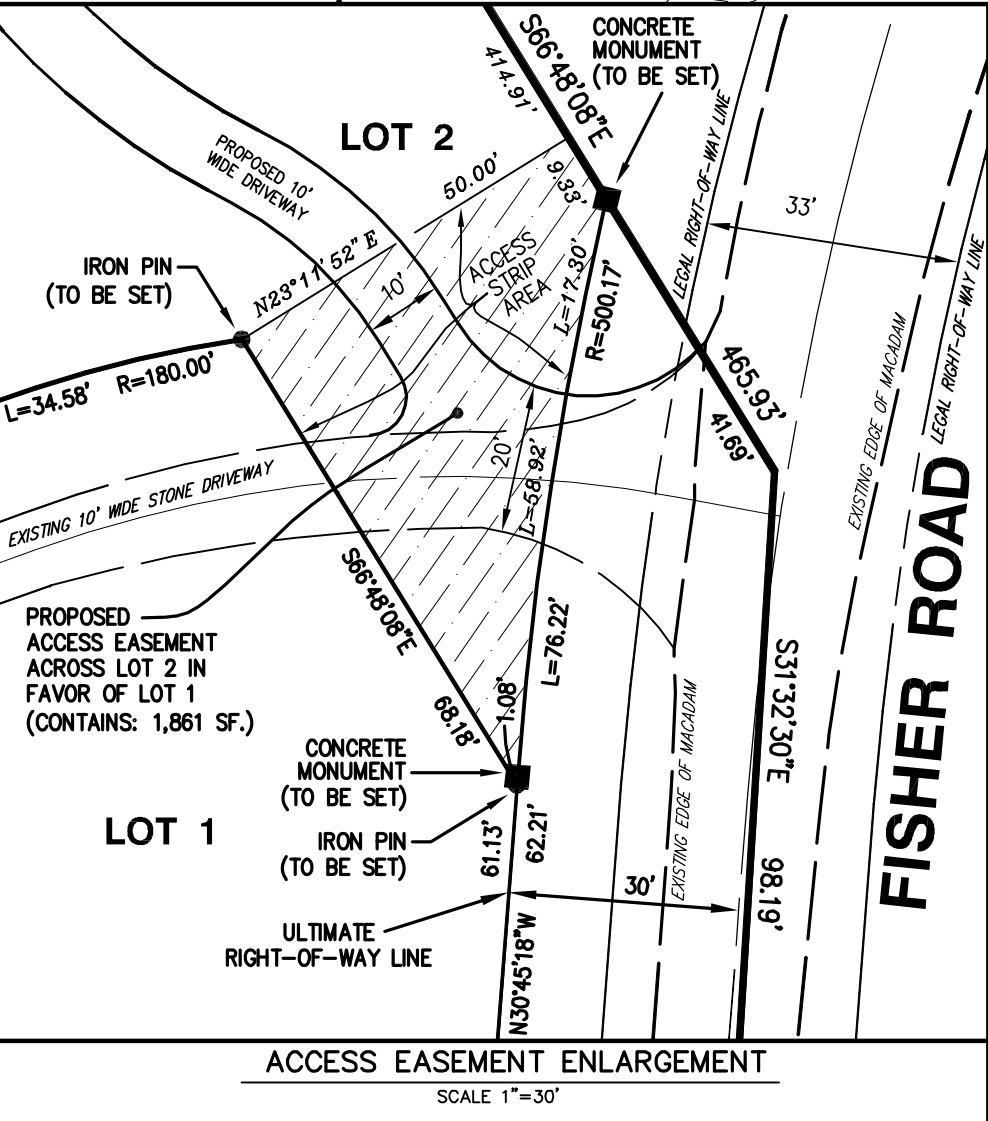
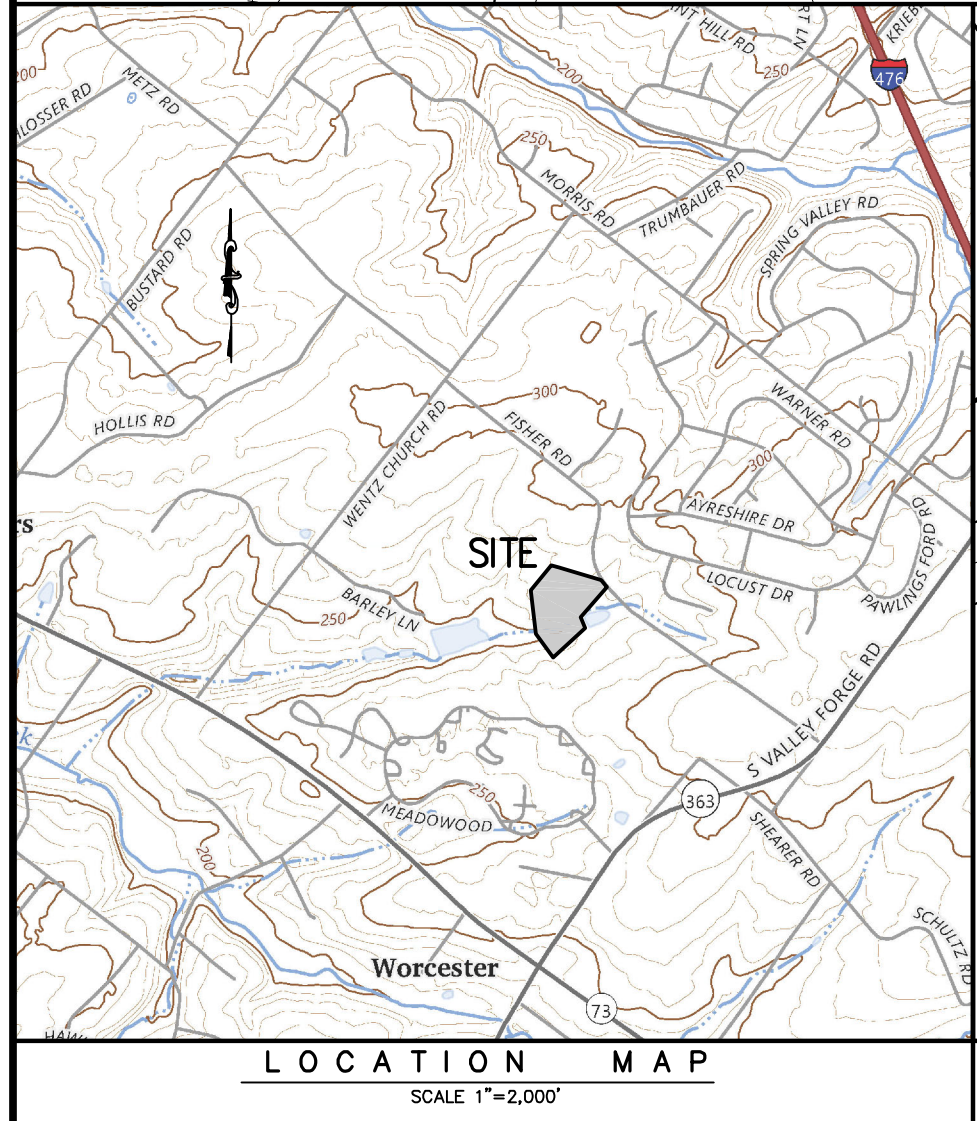
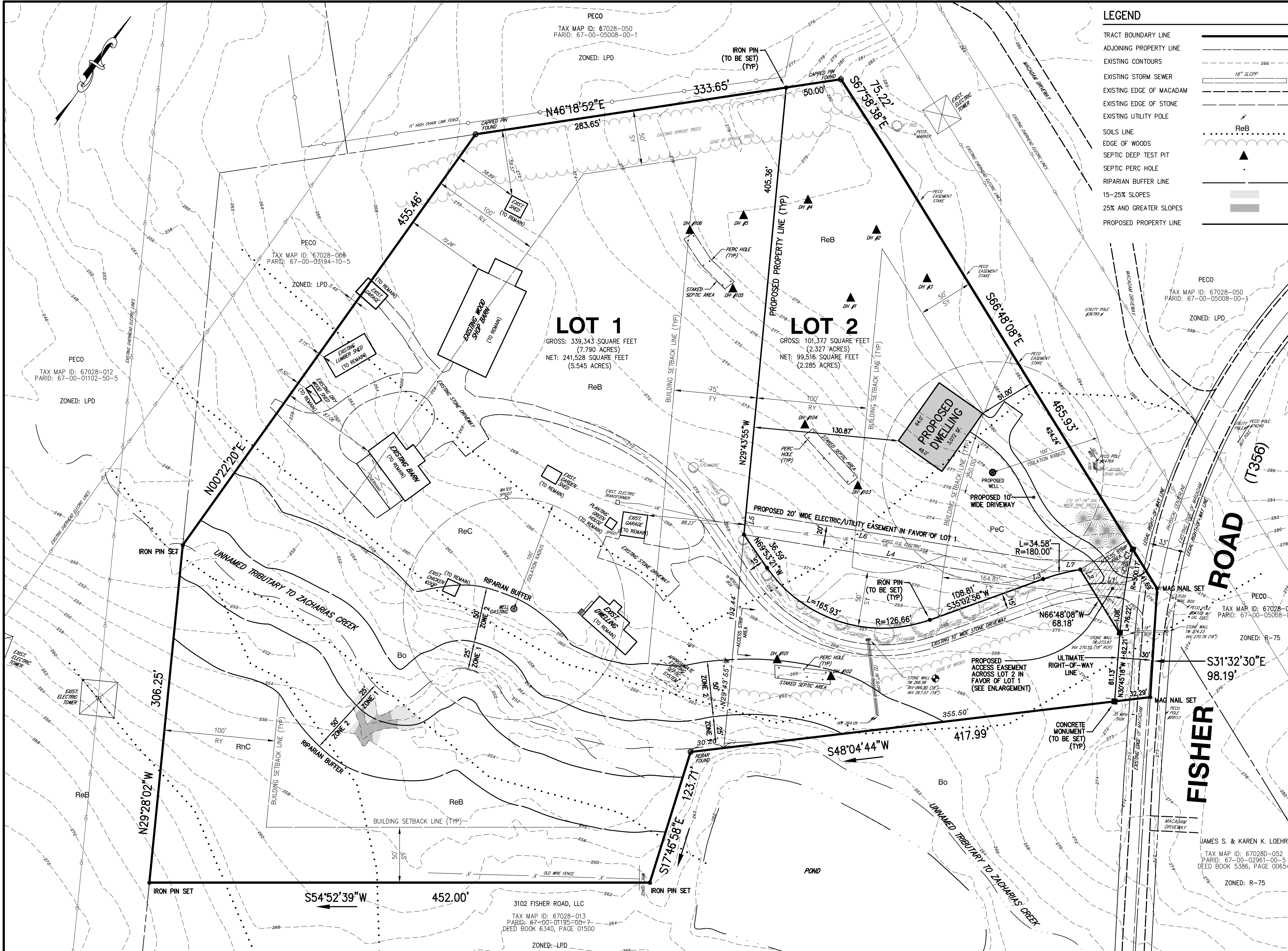
*\*Only indicate Open Space if it will be on a separate lot or deed restricted with an easement shown on the plan.*

## Additional Information:

**RESET**

Effective 5/1/18





LOT AREA BREAKDOWN	
<b>LOT 1</b>	
GROSS: 339,343 SF. (7,790 AC.)	
- 39,089 SF. ACCESS STRIP AREA	
- 57,630 SF. FLOODPLAIN (BO - BOWMANSVILLE-KNAUERS SILT LOAMS)	
- 614 SF. 100% OF 25% AND GREATER SLOPES	
- 482 SF. 50% OF 15% TO 25% SLOPES	
NET: 241,528 SF. (5,545 AC.)	
<b>LOT 2</b>	
GROSS: 101,377 SF. (2,327 AC.)	
- 1,861 SF. ACCESS STRIP AREA	
NET: 99,516 SF. (2,285 AC.)	
<b>LOT 1 IMPERVIOUS SURFACE</b>	
EXISTING DWELLING (INCLUDES PORCHES)	1,251 SF
EXISTING ACCESSORY BUILDINGS	+ 9,532 SF
EXISTING DRIVEWAY (STONE)	+ 18,409 SF
TOTAL	= 29,192 SF
<b>LOT 2 IMPERVIOUS SURFACE</b>	
PROPOSED DWELLING	3,072 SF
PROPOSED DRIVEWAY	+ 2,758 SF
EXISTING DRIVEWAY (STONE)	+ 87 SF
TOTAL	= 5,917 SF

LEGEND	
TRACT BOUNDARY LINE	—————
ADJOINING PROPERTY LINE	- - - - -
EXISTING CONTOURS	~~~~~
EXISTING STORM SEWER	—●—●—●—
EXISTING EDGE OF MACADAM	———
EXISTING EDGE OF STONE	———
EXISTING UTILITY POLE	—●—
SOILS LINE	.....
EDGE OF WOODS	———
SEPTIC DEEP TEST PIT	———
SEPTIC PERC HOLE	———
RIPARIAN BUFFER LINE	———
15-25% SLOPES	———
25% AND GREATER SLOPES	———
PROPOSED PROPERTY LINE	———

- ### GENERAL NOTES
- PROPERTY BOUNDARY VERIFICATION SURVEY CONDUCTED BY URWILER & WALTER, INC. IN JUNE 2024.
  - REFERENCE PLANS:
    - PLAN OF SUBDIVISION PREPARED FOR OLIVER L. SMITH LAST REVISED DATE FEBRUARY 14, 1984, PREPARED BY URWILER & WALTER, INC.
    - PLAN OF RELOCATION, DEDICATION AND VACATION OF FISHER ROAD, PREPARED FOR T&S DEVELOPMENT CO. (MORRIS VALLEY FARMS) LAST REVISED DATE NOVEMBER 2, 1989, PREPARED BY URWILER & WALTER, INC.
  - TOPOGRAPHY SURVEY OF THE SUBJECT AREAS PERFORMED BY URWILER & WALTER, INC. IN JUNE 2024. CONTOURS OUTSIDE OF THE SUBJECT AREA TAKEN FROM THE PENNSYLVANIA SPATIAL DATA ACCESS (PASDA) WEB SITE.
  - BENCHMARK:
    - TEMPORARY SITE BENCHMARK
    - ELEVATION: 268.98
    - DESCRIPTION: TOP STONE END WALL
    - LOCATION: NORTH SIDE OF EXISTING DRIVEWAY
  - PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION "X" - AREA OF MINIMAL FLOOD HAZARD (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) BY FEMA, ON FLOOD INSURANCE RATE MAP NO. 253 OF 451, WITH A MAP REVISED DATE OF MARCH 2, 2016, MAP NUMBER 42091002536, IN MONTGOMERY COUNTY, STATE OF PENNSYLVANIA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH THE PREMISES IS SITUATED.
  - SOILS DATA OBTAINED FROM USDA-NATURAL RESOURCES CONSERVATION SERVICES-WEB SOIL SURVEY-NATURAL COOPERATIVE SOIL SURVEY.
    - Bo - BOWMANSVILLE-KNAUERS SILT LOAMS
    - Hydrologic Soil Group "b"/d", HYDRIC SOIL "YES"
    - PeC - PENN SILT LOAM, 8 TO 15 PERCENT SLOPES
    - Hydrologic Soil Group "b", HYDRIC SOIL "NO"
    - ReB - READINGTON SILT LOAM, 3 TO 8 PERCENT SLOPES
    - Hydrologic Soil Group "c", HYDRIC SOIL "NO"
    - RhC - REAVILLE SILT LOAM, 8 TO 15 PERCENT SLOPES
    - Hydrologic Soil Group "d", HYDRIC SOIL "NO"
  - NO WETLANDS ARE PRESENT AS PER NATIONAL WETLANDS INVENTORY WETLANDS MAPPER.
  - LOT 1 IS SERVICED BY EXISTING PRIVATE ON LOT SEPTIC SYSTEM AND POTABLE WATER WELL.
  - LOT 2 WILL BE SERVICED BY A PRIVATE ON LOT SEPTIC SYSTEM AND POTABLE WATER WELL.
  - INDICATES CONCRETE MONUMENT TO BE SET.
  - INDICATES IRON PIN TO BE SET.
  - THE AREA WITHIN THE ULTIMATE RIGHT-OF-WAY OF FISHER ROAD IS TO BE OFFERED FOR DEDICATION TO WORCESTER TOWNSHIP OR THE GOVERNING BODY HAVING JURISDICTION AT THE TIME OF DEDICATION.
  - THE PURPOSE OF THIS SUBDIVISION IS FOR THE SUBDIVISION OF LAND ONLY. NO CONSTRUCTION / DEVELOPMENT IS PROPOSED AT THIS TIME. ANY FURTHER DEVELOPMENT OF EITHER LOT OF THIS SUBDIVISION WILL BE SUBJECT TO ALL WORCESTER TOWNSHIP ZONING AND LAND DEVELOPMENT REQUIREMENTS.

### WAIVERS REQUESTED

FROM THE WORCESTER TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE - CHAPTER 130, AS LAST AMENDED

**1. SECTION 130-18.6(2)**  
ORDINANCE REQUIREMENT: ROADWAY WIDENING  
REQUEST FOR MODIFICATION: PROVIDE NO ROADWAY WIDENING ALONG THE PROPERTY FRONTAGE.

**2. SECTION 130-18.4(1)**  
ORDINANCE REQUIREMENT: SIDEWALKS SHALL BE PROVIDED ALONG ALL STREETS EXCEPTING WHERE, IN THE OPINION OF THE TOWNSHIP SUPERVISORS, THEY ARE UNNECESSARY FOR THE PUBLIC SAFETY AND CONVENIENCE.  
REQUEST FOR MODIFICATION: PROVIDE NO SIDEWALKS ALONG THE PROPERTY FRONTAGE.

**3. SECTION 130-18.8(1)**  
ORDINANCE REQUIREMENT: CONCRETE CURBS SHALL BE INSTALLED ALONG EACH SIDE OF EVERY RESIDENTIAL, SECONDARY OR COMMERCIAL STREET OR ROAD.  
REQUEST FOR MODIFICATION: PROVIDE NO CONCRETE CURB ALONG THE PROPERTY FRONTAGE.

### PROPOSED 20' WIDE ELECTRIC/UTILITY EASEMENT IN FAVOR OF LOT 1

LINE TABLE		
LINE	BEARING	LENGTH
L1	N56°32'59"E	33.57'
L2	N56°48'01"W	14.48'
L3	S35°01'45"W	7.04'
L4	N64°01'39"E	267.01'
L5	N29°43'55"W	20.04'
L6	N64°01'39"E	267.01'
L7	N56°32'59"E	83.99'

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA ANG	TANGENT	CORD DIRECTION	CORD LENGTH
C1	12.00'	500.17'	1°22'30"	6.00'	S22°42'39"E	12.00'
C2	20.24'	500.17'	2°19'09"	10.12'	S24°33'28"E	20.24'

### ZONING DATA

ZONING DISTRICT: LPD LAND PRESERVATION DISTRICT  
EXISTING USE: LOT 1 - SINGLE FAMILY DETACHED DWELLING  
PROPOSED USE: LOT 2 - SINGLE FAMILY DETACHED DWELLING

ZONING ORDINANCE SECTION 150-110.22 A(1)  
ONE ADDITIONAL SINGLE FAMILY DETACHED DWELLING IN ACCORDANCE WITH THE REGULATIONS OF THE (AGR) AGRICULTURAL DISTRICT

ZONING ORDINANCE SECTION 150-110.11(9)(2)  
ON TRACTS OF EIGHT ACRES OR MORE, SINGLE FAMILY DETACHED DWELLINGS SHALL BE DEVELOPED IN ACCORDANCE WITH REQUIREMENTS OF ARTICLE XVA CONSERVATION SUBDIVISIONS

TOTAL TRACT AREA = 10,200 ACRES GROSS  
10,117 ACRES NET (LESS ULTIMATE ROW)

CONSERVATION SUBDIVISIONS - Z.O. SECTION 150-110.2 A(2) SHALL MEET THE REQUIREMENTS OF Z.O. SECTIONS 150-12 TO 150-17

REQUIREMENT	ALLOWED / REQUIRED	PROPOSED LOT 1	PROPOSED LOT 2
MINIMUM LOT AREA:	80,000 SQUARE FEET	GROSS: 339,343 SQUARE FEET (7,790 ACRES) NET: 241,528 SQUARE FEET (5,545 ACRES)	GROSS: 101,377 SQUARE FEET (2,327 ACRES) NET: 99,516 SQUARE FEET (2,285 ACRES)
MINIMUM LOT WIDTH AT STREET LINE:	250 FEET	250 FEET	250 FEET
FRONT YARD REQUIREMENTS:			
FRONT	75 FEET	88.23 FEET	165.81 FEET
SIDE	50 FEET	59.57 FEET	51.00 FEET
REAR	100 FEET	0.00 FEET [1]	130.87 FEET
MAXIMUM BUILDING COVERAGE:	10 PERCENT	3.22 PERCENT 10,783 SQUARE FEET	2.91 PERCENT 3,072 SQUARE FEET
MAXIMUM IMPERVIOUS SURFACE RATIO:	20 PERCENT	8.60 PERCENT 29,192 SQUARE FEET	5.84 PERCENT 5,917 SQUARE FEET
MAXIMUM BUILDING HEIGHT OF PRINCIPAL STRUCTURE:	2.5 STORIES	DOES NOT EXCEED 2.5 STORIES	SHALL NOT EXCEED 2.5 STORIES
ZONING NOTES:	[1] EXISTING NON-CONFORMING		

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF MONTGOMERY

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, THE SUBSCRIBER, A NOTARY PUBLIC OF THE COMMONWEALTH OF PENNSYLVANIA,  
**C. BRADFORD SMITH & SANDRA B. SMITH** PERSONALLY APPEARED WHO ACKNOWLEDGED THE ACCOMPANYING PLAN TO BE THE OFFICIAL PLAN OF SUBDIVISION SITUATE IN THE TOWNSHIP OF WORCESTER, COUNTY OF MONTGOMERY, COMMONWEALTH OF PENNSYLVANIA AND DESIRED THAT THE ACCOMPANYING PLAN BE RECORDED ACCORDING TO LAW. WITNESS MY HAND AND SEAL THE DAY AND YEAR AFORESAID.

NOTARY SIGNATURE \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

**WE, C. BRADFORD SMITH & SANDRA B. SMITH**, HAVE LAID OUT UPON OUR \_\_\_\_\_ LAND SITUATE IN THE TOWNSHIP OF WORCESTER, COUNTY OF MONTGOMERY, COMMONWEALTH OF PENNSYLVANIA, CERTAIN LOTS AND STREETS ACCORDING TO THE ACCOMPANYING PLAN WHICH IS INTENDED TO BE RECORDED. WITNESS MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

BRADFORD C. SMITH \_\_\_\_\_ SANDRA B. SMITH \_\_\_\_\_

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY THE BOARD OF SUPERVISORS OF WORCESTER TOWNSHIP, MONTGOMERY COUNTY, PA

\_\_\_\_\_  
SIGNATURE, CHAIRMAN

\_\_\_\_\_  
DATE SIGNED

\_\_\_\_\_  
SIGNATURE, SECRETARY

\_\_\_\_\_  
DATE SIGNED

REVIEWED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY THE PLANNING COMMISSION OF WORCESTER TOWNSHIP, MONTGOMERY COUNTY, PA

ATTEST: \_\_\_\_\_  
SIGNATURE \_\_\_\_\_ DATE SIGNED \_\_\_\_\_

REVIEWED BY THE TOWNSHIP ENGINEER OF WORCESTER TOWNSHIP, MONTGOMERY COUNTY, PA \_\_\_\_\_  
DATE \_\_\_\_\_

TOWNSHIP ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

**MONTGOMERY COUNTY PLANNING COMMISSION APPROVAL**  
RECORDED IN THE MONTGOMERY COUNTY COURT HOUSE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ IN PLAN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_

MCPC No. \_\_\_\_\_

PROCESSED AND REVIEWED. A report has been prepared by the Montgomery County Planning Commission in accordance with the Municipalities Planning Code.

Certified this date \_\_\_\_\_

For the Director  
**Montgomery County Planning Commission**

**SURVEYOR'S CERTIFICATION**  
I HEREBY CERTIFY THAT THIS PLAN REPRESENTS A SURVEY MADE BY ME AND THE MONUMENTS SHOWN THEREON EXIST AS LOCATED, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT AND THE SURVEY HAS BEEN PREPARED IN ACCORDANCE WITH THE PENNSYLVANIA ENGINEERS REGISTRATION LAW PL 913, NO 367.

PAUL YASKOWSKI NO. SJ28869-E \_\_\_\_\_ DATE \_\_\_\_\_

**OWNER OF RECORD & APPLICANT**  
C. BRADFORD & SANDRA B. SMITH  
3120 FISHER ROAD  
P.O. BOX 157  
WORCESTER, PA 19490  
PHONE NO. 267-664-2220  
TAX MAP 67, BLOCK 028, UNIT 065  
DEED BOOK 4785 PAGE 1038  
TAX PARCEL No. 67-00-01190-00-3

**REVISIONS**

DATE	DESCRIPTION

**RECORD PLAN (1 OF 1)  
MINOR SUBDIVISION PLAN**

PREPARED FOR  
**C. BRADFORD & SANDRA B. SMITH**

SITUATE IN  
WORCESTER TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA

OCTOBER 3, 2024  
PROJECT No. 23038  
FILE: 23038-BASE

SCALE: 1"=50'

**URWILER & WALTER, INC.**  
CIVIL ENGINEERS & SURVEYORS  
P.O. BOX 269 3126 MAIN STREET SUMNEYTOWN, PA. 18084  
PHONE 215-234-4562 FAX 215-234-0889 www.urwilerwaller.com

**PAUL YASKOWSKI**  
REGISTERED PROFESSIONAL  
LAND SURVEYOR  
No. SJ28869-E  
DATE: 10/3/2024  
SHEET No. 1 OF 1





CKS Engineers  
4259 West Swamp Road, Suite 410  
Doylestown, PA 18902  
P: 215.340.0600  
www.cksengineers.com

November 7, 2024  
Ref: # C0005306.00

Township of Worcester  
1721 Valley Forge Road  
PO Box 767  
Worcester, PA 19490-0767

Attention: Dan DeMeno, Township Manager

Reference: 3120 Fisher Rd.  
Parcel No. 67-00-01190-00-3  
Bradford Minor Subdivision Plan Review  
Worcester Twp. LD 2024-02

Dear Dan:

Our office is in receipt of your request for review of a minor subdivision plan for the above-referenced site. The submission consists of one sheet prepared by Urwiler & Walter, Inc. dated October 3, 2024, with no revisions; a completed copy of the Worcester Township Land Development & Subdivision Application; and the property deed.

The applicant proposes subdivision of an existing 10.2-acre (gross)/10.11-acre (net) parcel in the LPD Land Preservation Zoning District on the western side of Fisher Road (T-356) to create two lots as follows: Lot 1, a 7.79-acre (gross)/5.45-acre (net) lot to contain an existing single-family detached dwelling with two detached garages, a barn, woodshop, shed, garden shed, lumber shed, greenhouse, and chicken coop. Lot 2 will be a 2.32-acre (gross)/2.28-acre (net) lot for the future development of a single-family detached dwelling and driveway to interconnect with the existing access at Fisher Road. The existing and future proposed dwelling are to be served by private (well) water service and private sanitary sewage disposal (on-lot systems).

We offer the following comments for consideration by the Township:

I. **ZONING ORDINANCE**

The following comments are based upon the Worcester Township Zoning Ordinance (ZO):

1. The existing use of Lot 1, single-family detached dwelling, is permitted. However, we note that accessory building coverage is over seven times that of the principal dwelling area footprint and defer to the Township Zoning Officer to confirm that all accessory buildings as shown on the plan were previously approved by the Township as accessory structures. It is our understanding that a woodworking business may be present on the site, but this is not indicated on the plans as a home occupation or similar use. However, the building areas dedicated to the use appear to exceed ordinance limitations for a home occupation. (150-110.22.A.1, 150-110.22.C, 150-177.A and 150-201)

2. The westernmost garage (to remain) located north of the lumber shed on Lot 1 is shown to partially encroach the lands of PECO, Parcel No. 67-00-03194-10-5. We recommend an easement be secured from PECO for this encroachment if the garage will not be relocated or demolished as part of this application.
3. Multiple structures on Lot 1 are located within the rear yard setback. The Township Zoning Officer should confirm if these are non-conforming as footnote [1] of the Zoning Data table indicates. (150-177.A.2)
4. The proposed use of Lot 2, single-family dwelling, is permitted by-right in the LPD district if development is in accordance with the regulations of the AGR Agricultural District. General Note 11 indicates that the intent of this plan is "for subdivision only"; therefore, the dwelling proposed on Lot 2 is conceptual in nature but does demonstrate that a dwelling satisfying the dimensional and parking requirements of the AGR district could potentially be constructed on the subdivided lot. (150-110.22.A.1 and 150-12 through 150-16)

## II. **SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

The following comments are based upon the Worcester Township Subdivision and Land Development Ordinance (SLDO):

1. The paved cartway width(s) of Fisher Road must be dimensioned on the plan. (130-35.1.A.3.c.1)
2. The street classification of Fisher Road must be noted on the plan. (130-35.1.A.3.c.1)
3. Whenever practical, the sidelines of a lot shall be at right angles or radial to the right-of-way line. We note that a 50-ft. minimum 'leg' must be provided for Lot 2. We request that the curved lot line be reconfigured to eliminate the curved portion of the lot line to make Lot 2 more a regular shaped lot.
4. It is our understanding that the existing driveway serving Lot 1 is of stone material. We recommend the driveway apron between the existing cartway edge and ultimate right-of-way line be paved with asphalt material. A typical section detail for any proposed paving must be added to the plan. (130-17.B.3)
5. We calculate that a minimum of four street trees are required, or five if the existing driveway is not excluded from the calculation. The trees must be spaced 25 feet on-center and located at least five feet behind the right-of-way line. Due to the presence of existing White Pine trees at the frontage, a lesser quantity may be sufficient if these plantings are deemed to be suitable street trees. The plan does not propose any new street trees. (130-28.G.4)
6. Lot 2 must provide a softening buffer along its side and rear lot lines which abut the lands of PECO. The buffer shall consist of a minimum of one evergreen tree for each 35 linear feet; one ornamental or shade tree for each 50 linear feet; and one shrub for each 10 linear feet of property line. Informal groupings of more closely spaced plants which reflect the natural character of the site are encouraged. Existing vegetation of appropriate species and quantities on the property can be considered in the fulfillment of these

requirements; however, vegetation along the side property line appears to be minimal. The plan does not propose any buffer plantings. (130-28.G.5.b)

7. The setback dimension of the staked septic area on Lot 1 must be added to the plan. The on-lot sewage disposal area may not be located in a required front yard nor 10 to 30 feet from a property line. The current location may not satisfy one or both conditions. (130-26.B.2.c)
8. A minimum of three deciduous or evergreen trees must be proposed to be planted on Lot 2, unless an equivalent number of existing trees are already on the lot. We note several evergreens are present on Lot 2. (130-28.9.A)
9. The future well on proposed Lot 2 must be constructed in accordance with PADEP and Township requirements. (130-31.C)
10. Areas of steep slopes on the lot must be defined. If none are present, this condition should be stated as a general plan note. (130-32.1)
11. The applicant should confirm that there are no deed restrictions or covenants which would otherwise prohibit the subdivision of the lot as proposed. (130-34.J.2.h)
12. The applicant is seeking waivers from the following three sections of the Worcester Township SLDO:
  - a. Section 130-16.C.2 to not require the minimum width of paving for the roadway classification.

Due to the minor nature of this proposal, we take no exception to this request.

- b. Section 130-18.A.1 to not require sidewalks to be provided along Fisher Road.

We note that lot frontage is approximately 138 feet at the ultimate right-of-way line. Due to the existing use of the lot to the north (PECO) and environmental features on the lot to the south (unnamed tributary to Zacharias Creek), we are not opposed to the waiver request for sidewalks; however, should the Township ever desire a trail system along Fisher Road, this may be the only opportunity to provide such infrastructure along this frontage.

- c. Section 130-18.B.1.a which requires concrete curbing to be installed along the street frontage.

As the existing driveway access will be maintained and only be modified to accommodate interconnection with a future access driveway serving a dwelling on Lot 2, we take no exception to this waiver request. However, if the Township deems sidewalk necessary and does not grant the waiver described in item 'b' above, we believe that the installation of curbing would also be appropriate in conjunction with such sidewalk.

### III. GENERAL CONSIDERATIONS

The following are general comments and considerations generated during the course of our review:

1. The application must be reviewed by the Montgomery County Planning Commission.
2. The applicant should provide evidence of the feasibility of on-lot sewer service for Lot 2 per PA Title 25 Chapter 73. A primary disposal area and secondary reserve area should be conceptually sized and located on the plan. Only one septic area is shown on Lot 2 at this time. Additionally, a septic area is proposed on Lot 1, but approximately 30 feet from the rear of Lot 2. The applicant must clarify which lot each area is intended to serve. Approval of the PADEP and Montgomery County Health Department will be required for any future system to be installed.
3. Legal descriptions, to be reviewed under separate cover following plan approval, must be supplied for the following:
  - a. The 20-ft.-wide electric/utility service easement through Lot 2, in favor of Lot 1.
  - b. The 1,861-s.f. cross access easement over Lot 2 in favor of Lot 1.
  - c. Area between the title line and ultimate right-of-way being offered for dedication to Worcester Township or the authority having jurisdiction.

The above represents all comments on the proposed minor subdivision.

Very truly yours,  
CKS ENGINEERS  
Township Engineers

  
John W. Evarts, P.E.

JWE/klk

cc: via email:  
Christian Jones, Assistant Township Manager  
Wendy F. McKenna, Esq., Township Solicitor  
C. Bradford and Sandra B. Smith, Owners  
Scott T. Camburn, P.E., Urwiler & Walter, Inc.  
George DiPersio, CKS Engineers  
File



**TOWNSHIP OF WORCESTER  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE 2024-\_\_\_\_\_**

**AN ORDINANCE AMENDING ZONING  
PROVISIONS OF THE TOWNSHIP CODE REGARDING ACCESSORY  
STRUCTURES**

**WHEREAS**, from time to time, corrections and other revisions are required to be made to Township Code of Worcester Township;

**WHEREAS**, the Commonwealth of Pennsylvania mandates that municipalities have published in a newspaper of general circulation all proposed ordinances that make such corrections and revisions, at a great expense to municipalities;

**WHEREAS**, Worcester Township consolidates such corrections and revisions into one proposed ordinance, in lieu of individual ordinances, so as to minimize the expense incurred by the taxpayers in meeting this unfunded advertisement mandate; and

**WHEREAS**, the Board of Supervisors of Worcester Township has determined that it is in the best interests of the Township to amend the Township Code as set forth herein below.

**NOW, THEREFORE**, the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania, hereby ordains and enacts as follows:

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 Subsection A(2) through (9) below, shall be located in the rear yard or side yard only, and no closer than 15 feet to a property line. In all other districts, and at all properties created pursuant to Option 1 or Option 2, as set forth in Article XVIA, Conservation Subdivisions, structures accessory to single-family residential uses, except those regulated in Subsection A(2) through (9) below, accessory structures shall be located in the rear yard or side yard only; said accessory structures may be erected in the rear yard not closer than 10 feet to the rear property lines subject to the following requirements:~~

a. Lot Size of less than three (3) acres:

- i. Accessory structures less than 250 square feet in gross floor area have a minimum rear and side setback requirement of 5 feet and a maximum height of 12 feet
- ii. Accessory structures between 250 square feet and 1200 square feet in gross floor area have a minimum rear and side setback requirement of 10 feet and a maximum height of 20 feet.

**Commented [DD1]:** This is a wholesale replacement of this section. It removes "private garages" as a specific thing with specific requirements and merges them into "accessory structures". The new setbacks and sizes are based off of lot size and the size of the proposed accessory structure. This will allow larger lots larger accessory buildings with appropriate setbacks and greater heights allowed with those larger setbacks.

iii. Accessory structures greater than 1200 square feet in gross floor area have a minimum rear and side setback requirement of 20 feet and a maximum height of 25 feet.

b. Lot Size of three (3) acres or more:

i. Accessory structures less than 250 square feet in gross floor area have a minimum rear and side setback requirement of 5 feet and a maximum height of 12 feet

ii. Accessory structures between 250 square feet and 1200 square feet in gross floor area have a minimum rear and side setback requirement of 10 feet and a maximum height of 20 feet.

iii. Accessory structures between 1200 square feet and 3000 square feet in gross floor area have a minimum rear and side setback requirement of 20 feet and a maximum height of 25 feet.

iv. Accessory structures greater than 3000 square feet in gross floor area have a minimum rear and side setback requirement of 30 feet and a maximum height of no greater than the maximum allowed principal building height in that location.

(2) Unless otherwise permitted below, accessory structures in any zoning district shall not be higher than 15 feet. **[Amended 5-16-2018 by Ord. No. 277; 5-19-2021 by Ord. No. 284]**

~~(3) 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 such unoccupied and~~

~~(4)~~(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, excluding properties created pursuant to Option 1 or Option 2, as set forth in Article XVIA, Conservation Subdivisions, 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. **[Amended 5-19-2021 by Ord. No. 284]**

~~(5)~~(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 § 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.

~~(6)~~(5) Private stables and barns for the keeping of horses and livestock shall be permitted on properties having a gross lot area of three acres or more. A gross lot area of three 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.

~~(7)~~(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.

~~(8)~~(7) Private mailboxes shall be located as required by the United States Postal Service. Private newspaper boxes may be located adjacent to private mailboxes and no closer to the cartway than a private mailbox.

~~(9)~~(8) Private driveways shall be regulated by § 150-155, and private parking spaces shall be regulated by § 150-153.

~~(10)~~(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,<sup>1</sup> except as otherwise set forth therein.
- C. Private or public school uses. Accessory structures such as backstops, dugouts/team structures, retaining walls, scoreboards, bleachers (permanent or movable), benches, goals (permanent or movable), or similar accessory structures associated with outdoor sports and athletic facilities may be located or erected within 50 feet of

**Commented [DD2]:** Added barns to this. Barns with no electric, water, etc., are agricultural buildings, but with those features, they are accessory structures like any other. Adding this here I believe will fit the intent of this section while giving the zoning officer more clarity.

a front lot line or 40 feet of any other property line subject to the following: **[Added 1-15-2014 by Ord. No. 248]**

- (1) Backstops shall be permitted on any baseball or softball field but shall be limited to a maximum height of 40 feet;
- (2) Scoreboards shall be permitted and shall not be considered signs so long as the scoreboard complies with the following:
  - (a) Scoreboards shall not contain any advertisement for any company, product, or service;
  - (b) Scoreboards shall be limited to a maximum size of 36 feet by 10 feet;
  - (c) Scoreboards shall be limited to one per field;
  - (d) Scoreboards shall be limited to a maximum height, when mounted, of 20 feet from average surrounding grade within a stadium and 15 feet when mounted at all other fields on a single property; and
  - (e) Scoreboards, if illuminated, shall:
    - [1] Be internally illuminated LED displaying only the score and necessary game information and shall be illuminated only during the time of play and for a maximum period of 30 minutes following the end of play; and
    - [2] Neither cast any illumination off of the subject property nor create a nuisance or intrusion to the privacy of adjacent residential property owners or the public;
- (3) Dugouts or team shelters shall be limited to two per field, one for the home team and one for the visiting team;
- (4) Dugouts or team shelters shall be a maximum size of 12 feet by 50 feet;
- (5) No structure shall be located or erected so as to interfere with the sight triangle of any intersection; and
- (6) Fences and walls shall be regulated by § 150-182LJ.

**Commented [DD3]:** Change to meet new section number in pending fence section amendment.

