

WORCESTER TOWNSHIP
BOARD OF SUPERVISORS

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2006- 208

"GROWING GREENER ORDINANCE"

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF WORCESTER TOWNSHIP, CHAPTER 130 (SUBDIVISION AND LAND DEVELOPMENT), ARTICLE III (TERMINOLOGY), SECTION 130-6 (DEFINITIONS) BY DELETING, AMENDING AND ADDING SPECIFIED DEFINITIONS; AMENDING CHAPTER 130 (SUBDIVISION AND LAND DEVELOPMENT), ARTICLE IV (PLAT PROCEDURES) BY DELETING THE EXISTING SECTION 130-11 AND REPLACING IT WITH A NEW SECTION 130-11 ENTITLED "OVERVIEW OF SUBMITTAL AND REVIEW PROCESS" AND ADDING AN ADDITIONAL SECTION 130-11.1 ENTITLED "PRE-APPLICATION MEETINGS AND SKETCH PLANS SUBMISSION AND REVIEW"; AMENDING CHAPTER 130 (SUBDIVISION AND LAND DEVELOPMENT), ARTICLE V (DESIGN STANDARDS) BY ADDING A NEW SECTION 130-15.1 ENTITLED "DESIGN PROCESS FOR CONSERVATION SUBDIVISION" AND A NEW SECTION 130-15.2 ENTITLED "OPEN SPACE REVIEW STANDARDS"; AMENDING CHAPTER 130 (SUBDIVISION AND LAND DEVELOPMENT), ARTICLE XI (PLAN REQUIREMENTS) BY DELETING EXISTING SECTION 130-32.3 (SKETCH PLANS) AND REPLACING IT WITH A NEW SECTION 130-32.3 ENTITLED "SKETCH PLAN INFORMATION"; AMENDING CHAPTER 130 (SUBDIVISION AND LAND DEVELOPMENT), ARTICLE XI (PLAN REQUIREMENTS), SECTION 130-33 (PRELIMINARY PLAN) BY ADDING A NEW SECTION 130-33.B.1 ENTITLED "CONTEXT MAP"; AMENDING CHAPTER 130 (SUBDIVISION AND LAND DEVELOPMENT ORDINANCE) ARTICLE XI (PLAN REQUIREMENTS), SECTION 130-33.C (EXISTING FEATURES) BY DELETING THE EXISTING SECTION IN ITS ENTIRETY AND REPLACING IT WITH A NEW SECTION 130-33.C ENTITLED "EXISTING RESOURCES IN SITE ANALYSIS PLAN"; AMENDING CHAPTER 130 (SUBDIVISION AND LAND DEVELOPMENT), SECTION 130-33 (PRELIMINARY PLAN) BY ADDING SEVERAL NEW SUBSECTIONS AND RE-LETTERING EXISTING SUBSECTIONS; AMENDING CHAPTER 130 (SUBDIVISION AND LAND DEVELOPMENT), SECTION 130-34 (FINAL PLAN) BY INSERTING A NEW LEADING PARAGRAPH AND AMENDING THE VARIOUS SUBSECTIONS THEREIN; AMENDING CHAPTER 130 (SUBDIVISION AND LAND DEVELOPMENT) BY ADOPTION OF A NEW APPENDIX "A" ENTITLED "CONSERVATION SUBDIVISION DESIGN GUIDELINES AND EXAMPLES" WHICH INCLUDES TEXT, DIAGRAMS, GUIDELINES, COROLLARIES, OTHER ILLUSTRATIONS AND RESOURCES INTENDED TO ILLUSTRATE THE PURPOSE AND IMPLEMENTATION OF CONSERVATION SUBDIVISIONS; AMENDING CHAPTER 150 (ZONING), ARTICLE II (TERMINOLOGY), SECTION 150-9 (DEFINITIONS) BY

DELETING, REPLACING AND AMENDING CERTAIN DEFINITIONS; AMENDING CHAPTER 150 (ZONING), ARTICLE IV (AGR AGRICULTURAL DISTRICT), SECTION 150-11 (USE REGULATIONS) BY DELETING THE EXISTING SUB-SECTION B IN ITS ENTIRETY AND BY ADDING A NEW SUB-SECTION B PERMITTING DEVELOPMENT OF SINGLE FAMILY DETACHED DWELLINGS ON TRACTS OF LESS THAN EIGHT ACRES PURSUANT TO THE EXISTING AGR REGULATIONS AND PERMITTING DEVELOPMENT OF SINGLE FAMILY DETACHED DWELLINGS ON TRACTS OF EIGHT ACRES OR MORE IN ACCORDANCE WITH THE REQUIREMENTS OF THE NEW ARTICLE XVIA- CONSERVATION SUBDIVISIONS; AMENDING CHAPTER 150 (ZONING) BY DELETING EXISTING ARTICLE XVIA (RPD RURAL PRESERVATION DISTRICT) IN ITS ENTIRETY AND BY ADDING A NEW ARTICLE XVIA ENTITLED "CONSERVATION SUBDIVISIONS" TO INCLUDE THE LEGISLATIVE INTENT; USE REGULATIONS; DENSITY DETERMINATION; AREA AND BULK REGULATIONS; PARKING REGULATIONS; SPECIAL REQUIREMENTS; OPEN SPACE REGULATIONS; LOT AREA, WIDTH AND YARD REQUIREMENTS; IMPERVIOUS SURFACE COVERAGE LIMITATIONS; HEIGHT REGULATIONS; DESIGN PROCESS FOR DELINEATION OF OPEN SPACE IN DEVELOPMENT AREAS; USES PERMITTED IN OPEN SPACE; OPEN SPACE DESIGN STANDARDS; OWNERSHIP AND MAINTENANCE OF OPEN SPACE IN COMMON FACILITIES; AMENDING CHAPTER 150 (ZONING), ARTICLE XXA (SS STEEP SLOPE CONSERVATION DISTRICT) BY CHANGING AND CLARIFYING THE DEFINITION OF STEEP SLOPES IN SECTIONS 150-146.3 (DETERMINATION OF STEEP SLOPE AREAS) AND SECTION 150-146.4 (STEEP SLOPE REGULATIONS); AMENDING CHAPTER 150 (ZONING) BY RENUMBERING EXISTING SECTIONS 150-110.10 THROUGH 150-110.17 AS NEW SECTIONS 150-110.21 THROUGH 150-110.28; AMENDING CHAPTER 150 (ZONING), ARTICLE XVIB (LPD LAND PRESERVATION DISTRICT), SECTION 150-110-22 (PERMITTED USES) BY PERMITTING THE DEVELOPMENT OF SINGLE FAMILY DETACHED DWELLINGS IN ACCORDANCE WITH THE AMENDED PROVISIONS OF THE AGR AGRICULTURAL DISTRICT REGULATIONS INCLUDING THOSE GOVERNING CONSERVATION SUBDIVISIONS; AMENDING CHAPTER 150 (ZONING), ARTICLE XVIB (LPD LAND PRESERVATION DISTRICT), SECTION 150-110.15 (DENSITY AND DIMENSIONAL STANDARDS), SECTION 150-110.15A (DENSITY) BY DELETING THE EXISTING SUBPARAGRAPH (2) IN ITS ENTIRETY AND REPLACING IT WITH A NEW SUBPARAGRAPH (2) LIMITING THE NUMBER OF RESIDENTIAL LOTS PERMITTED FOR A LAND PRESERVATION CLUSTER TO THE NUMBER OF LOTS PERMITTED UNDER THE YIELD PLAN.

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

SECTION I. Amendment to the Code.

The Codified Ordinances of Worcester Township, Chapter 130 (Subdivision and Land Development), Article II (Terminology), Section 130-6 (Definitions) is hereby amended by adding the new definitions set forth below and by deleting, amending and adding definitions as follows:

COMPREHENSIVE PLAN – The official public document contemplated by the Pennsylvania Municipalities Planning Code and consisting of maps, charts and textual matter that constitutes a policy guide to decisions about the physical and social development of Worcester Township, adopted April 17, 1996, as amended from time to time.

CONSERVATION AREA, PRIMARY - Lands within the 100-year floodplain, wetlands, slopes in excess of twenty-five percent (25%), and Riparian Buffer Zone 1.

CONSERVATION AREA, SECONDARY – All landscape elements not included in the primary conservation area. These include:

- A. Hydric soils, swales, springs, lowland areas other than wetlands, and Riparian Buffer Zone 2.
- B. Precautionary steep slopes where the grade is fifteen percent (15%) to twenty-five percent (25%), particularly those adjoining watercourses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
- C. Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats.
- D. Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
- E. Hedgerows, groups of trees, large individual trees of botanic significance, and other vegetative features.
- F. Historic structures and sites.
- G. Visually prominent topographic features such as knolls, hilltops and ridges, and scenic viewsheds as seen from public roads (particularly those with historic features).
- H. Existing trails connecting the tract to other locations in the Township.

LOT AREA – The definition of “Lot Area” shall be the same as the definition of “Lot Area” found in Section 150-9 (Definitions) of the Zoning Ordinance, as it may be amended from time to time.

OPEN SPACE PLAN – The Worcester Township Open Space Plan adopted April 16, 1995, as amended from time to time.

SECTION II. Amendment to the Code.

The Codified Ordinances of Worcester Township, Chapter 130 (Subdivision and Land Development), Article IV (Plat Procedures) is hereby amended by deleting the existing Sections 130-11 and 130-12 in their entirety and replacing them with a new Section 130-11 entitled “Overview of Submittal and Review Process” and a new Section 130-12 entitled “Pre-application Meetings and Sketch Plans Submission and Review” as follows:

Section 130-11 Overview of Submittal and Review Process.

The process of submitting, reviewing and approving subdivision and land development site plans shall consist of three phases: sketch plan phase (optional), preliminary plan phase and final plan phase. Below is a description of each phase and its purpose in the overall process:

A. Sketch Plan Phase.

- (1) The Sketch Plan phase takes place prior to the submission of an application. Although not obligatory, it is strongly recommended that this phase not be by-passed. The provision of a sketch plan is particularly critical for those subdivisions that are required to use the Four-Step Design Process described in Section 130-15.1 of this Ordinance. This phase provides the applicant with an opportunity to ask questions about such topics as interpretation of ordinance language, potential waiver and variance requests, and conceptual design issues. The sketch plan phase also provides the Township with an opportunity to become acquainted with the project and to express concerns that may surface about such issues as ordinance compliance and community impact. The chief value of this phase is that important design issues can be considered and clarified at the conceptual-design stage, before unnecessary drafting, design, engineering, and agency review funds are expended.

- (2) It is strongly suggested that the sketch plan information outlined in Section 130-32.3.B be submitted to provide the opportunity for more constructive dialogue. However, presenting a fully designed and engineered site plan at the Sketch Plan phase would defeat the intended purpose of a pre-application review while the project is still in the conceptual stage.

B. Preliminary Plan Phase.

- (1) The Preliminary Plan phase commences with the Township's acceptance of the applicant's submission of a subdivision or land development application and ends with the approval or disapproval of the plan by the Board of Supervisors. Between those two events is an iterative process in which a number of agencies review the plan and offer comments, the applicant responds to those comments and takes corrective action, and in some cases the revised plans are again subjected to agency review. The length of that review process depends chiefly upon two critical factors: First, whether the submitted plan is fully responsive to Township and other agency ordinances and requirements, and second, whether the information on the plan is accurate and complete. A plan that ignores ordinance requirements or lacks sufficient detail can be only partially reviewed and will result in delays while the information is sought and subsequent reviews are initiated. Conservation subdivision plans shall adhere to the Four-Step Design Process outlined in Section 130-15.1 and the design guidelines in Appendix A.
- (2) If the Board of Supervisors grants Preliminary Approval, the basic lot, road and open space layout shall become fixed. Subsequently only minor changes, such as adding design details, shall be made to the plan. If a change in design concept is proposed after the granting of preliminary approval, the plan shall be resubmitted as a Preliminary Plan.

C. Final Plan Phase.

- (1) The purpose of the final plan is to enable the Township to determine whether or not all aspects of a major subdivision or land development conform to Township standards and conditions of preliminary plan approval, and to provide a means to ensure that required improvements are guaranteed prior to official approval and recording of the plan.

- (2) After the Board of Supervisors has approved the Preliminary Plan, the applicant adds the Final Plan information as required by the Subdivision and Land Development Ordinance and submits the plan to the Township for review by the Planning Commission and the Township Engineer. The Planning Commission then submits a letter of recommendation for plan approval or disapproval to the Board of Supervisors. After receiving that letter and a final review letter from the Township Engineer, the Board of Supervisors votes to approve or reject the plan.

Section 130-12 Pre-Application Meetings and Sketch Plan Submission and Review

A sketch plan is strongly encouraged for all proposed subdivisions and land developments. Prior to the submission of the sketch plan, the pre-application and site visit process described below will significantly improve the quality of the sketch plan and its usefulness to the Township in their review of the plan. These pre-application discussions are particularly important for the residential design options requiring the Four-Step Design Process described in Section 130-15.1 of this Ordinance. Sketch plans, as described in Section 130-32.3, shall be submitted to the Township for review by the Planning Commission. Submission of the sketch plan shall not constitute formal filing of a plan with the Township, nor shall it commence the statutory review period as required by the Pennsylvania Municipalities Planning Code. The procedures for submission of a sketch plan, are described in Subsection E below.

- A. Pre-application meeting. A pre-application meeting shall be required between the applicant, the site designer, the Township Planning Commission, and the Township's planning consultant where applicable, to introduce the applicant to the Township's zoning and subdivision regulations and procedures, to discuss the applicant's objectives, and to schedule site visits, meetings, and plan submissions as described below. Applicants are also encouraged to present the Existing Resources and Site Analysis Plan at this meeting.
- B. Existing Resources and Site Analysis Plan. Regardless of whether or not a sketch plan is submitted, the applicant shall submit an Existing Resources and Site Analysis Plan prepared in accordance with the requirements contained in Section 130-33.C. The purpose of this key submission is to familiarize all parties with the existing conditions on the applicant's tract and within its immediate vicinity, and to provide a complete and factual reference for them in making a site visit. This Plan shall be provided prior to or at the

site visit, and shall form the basis for the development design as shown on the sketch plan (or on the preliminary plan, if the optional sketch plan is not submitted).

C. Site Visit.

- (1) After preparing the Existing Resources and Site Analysis Plan, applicants shall arrange for a site visit of the property by the Planning Commission and other Township officials, and shall distribute copies of the Existing Resources and Site Analysis Plan at that on-site meeting. Applicants, their site designers, and the landowner are encouraged to accompany the Planning Commission.
- (2) The purpose of the site visit is to familiarize Township officials with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss design concepts, including the general layout of the designated open space lands (if applicable), and potential locations for proposed buildings and street alignments. Comments made by Township officials or their staff and consultants shall be interpreted as only suggestions and for discussion purposes. All parties shall be aware that no formal deliberations, discussions or recommendations leading to official decisions can be made at the site visit.
- (3) Pre-Sketch Conference. Following the site visit and prior to the submission of the sketch plan, the applicant shall meet with the Planning Commission to discuss the findings of the site visit and to informally develop a mutual understanding on the general approach for subdividing or developing the tract. As in Subsection C(2) above, no official decisions can be made at the pre-sketch conference. At the discretion of the Planning Commission, this conference may be combined with the site visit.

D. Sketch Plan Submission and Review.

- (1) Fourteen (14) copies of the sketch plan, meeting the requirements set forth in Section 130-32.3, shall be submitted to the Township office during business hours for distribution to the Board of Supervisors, the Planning Commission, the Township Engineer, applicable Township advisory boards, and the Montgomery County Planning Commission at least seven (7) business days prior to the Planning Commission meeting at which the sketch plan is

to be discussed. The sketch plan diagrammatically illustrates initial thoughts about a conceptual layout for building sites, street alignments, stormwater management facilities, and open space where applicable, and shall be based upon the information contained in the Existing Resources and Site Analysis Plan. Conservation subdivisions shall be designed in accordance with the Four-Step Design Process described in Section 130-15.1.B of this Ordinance and with the open space review standards listed in Sections 130-15.2.A and B.

- (2) Sketch plans should be presented to the Township Planning Commission for informal discussion at a regularly scheduled Planning Commission meeting, following a request made by the applicant to the Township to be placed on the agenda.
- (3) The Township Planning Commission may make nonbinding suggestions and recommendations to the applicant during the meeting at which the plan is discussed. These need not be presented in writing to the applicant. However, suggestions should be summarized in the minutes of the Township Planning Commission for reference.
- (4) If a proposal is large or complex, the Township Planning Commission may defer completing its comments and recommendations until it has consulted its technical advisors. However, the Planning Commission will try to expedite this informal review process.
- (5) The applicant may, if desired, request further review of the sketch plan by the Board of Supervisors. If further review is requested, the Board, after considering the written recommendations of the Planning Commission, all other agencies, and the Township Engineer, shall advise the applicant as to plan modifications it shall deem necessary or advisable.
- (6) Applicants may submit more than one sketch plan for a project (i.e. alternative plans) and may submit revised sketch plans after receiving initial comments on a sketch.
- (7) The Planning Commission's approval of a sketch plan shall not create any vested rights for the property or the developer within the meaning of the Municipalities Planning Code. Rather, the sketch plan process is intended to provide the applicant with an insight to the Planning

Commission's likely response to discretionary planning decisions and optional layouts for the proposed development before the significant engineering expense associated with a preliminary plan has been incurred. Subdivision and land development applicants who choose to proceed without first obtaining Planning Commission reaction to a sketch plan may risk a greater possibility of a request for redesign of a submitted preliminary plan.

- (8) The Planning Commission shall review the sketch plan in accordance with the criteria contained in this ordinance and with other applicable Township ordinances. Their review shall informally advise the applicant of the extent to which the proposed subdivision or land development conforms to the relevant standards of this Ordinance, and may suggest possible plan modifications that would increase its degree of conformance. Their review shall include but is not limited to:
 - (a) The location of all areas proposed for land disturbance (streets, foundations, yards, septic disposal systems, water lines, storm water management areas, etc.) with respect to natural or cultural features as identified on the applicant's Existing Resources and Site Analysis Plan and in the Worcester Township Open Space Plan and Comprehensive Plan.
 - (b) The potential for street connections with existing streets, with other proposed streets, or with potential developments on adjoining parcels.
 - (c) The location of proposed access points along the existing road network.
 - (d) The proposed building density and impervious coverage.
 - (e) The potential for trail and open space connections.
 - (f) The compatibility of the proposal with respect to the objectives and policy recommendations of the Worcester Township Comprehensive Plan and the Worcester Township Open Space Plan.
 - (g) Consistency with the Worcester Township Zoning Ordinance, as amended.

SECTION III. Amendment to the Code.

The Codified Ordinances of Worcester Township, Chapter 130 (Subdivision and Land Development), Article V (Design Standards), is hereby amended by adding a new Section 130-15.1 entitled "Design Process for Conservation Subdivision" and a new Section 130-15.2 entitled "Open Space Review Standards" as follows:

Section 130-15.1 Design Process for Conservation Subdivisions

- A. Resource Inventory and Analysis. Resources on the tract shall be delineated on an Existing Resources and Site Analysis Plan, as required in Section 130-33.C.
- B. Four-Step Design Process. Conservation subdivisions proposed under Options 1, 2 and 3 in the AGR District shall follow a Four-Step Design Process as described below. Applicants will be required to document the design process as set forth in Section 130-33. D.
 - (1) Step 1: Delineation of Open Space Lands and Development Areas. Open space lands and development areas shall be delineated according to the following procedure:
 - (a) The minimum percentage and acreage of required open space lands shall be calculated by the applicant and submitted as part of the Sketch Plan or Preliminary Plan in accordance with the provisions of this Ordinance and of the Zoning Ordinance. This section shall not apply to Options 2 and 3.
 - (b) Using the Existing Resources and Site Analysis Plan as a base map, Primary and Secondary Conservation Areas shall be delineated consistent with the Worcester Township Open Space Plan. Primary and secondary conservation areas shall include all protected resources as defined in Articles XX, XXA and XXB of the Zoning Ordinance, and Section 150-204.1 of the Zoning Ordinance, whether or not specifically mapped in the Worcester Township Open Space Plan.

- (c) Open space lands required in Option 1 shall include all Primary Conservation Areas and those parts of the Secondary Conservation Areas with the highest resource significance. In determining those Secondary Conservation Areas to be included in the open space, the applicant consult with the Planning Commission, which shall use as a guideline Sections 130-15.2.A and B herein ("List of Resources to be Conserved" and "Other Design Considerations").
- (d) In Option 1, open space land shall be delineated to meet at least the minimum area percentage requirements for open space lands in a manner clearly indicating open space boundaries as well as the types of resources included within them. Location of the open space land shall be determined as indicated in Subsection (c) above.
- (e) Development areas constitute the remaining lands of the tract outside of the designated open space areas and protected constrained lands, where house sites, streets, and lots are to be delineated in accordance with Steps 2, 3, and 4 below.

(2) Step 2: Location of House Sites

Potential house sites shall be tentatively located, using relevant data on the Existing Resources and Site Analysis Plan, and in Option 1, the proposed open space lands as a base map. The house site locations in the tract's designated development areas shall be designed to fit the tract's natural topography, be served by adequate water and sewage facilities, and provide views of and access to adjoining open space areas. House sites shall be no closer than one hundred (100) feet from Primary Conservation Areas and fifty (50) feet from Secondary Conservation Areas.

(3) Step 3: Alignment of Streets and Trails, and Location of Stormwater Management Facilities.

- (a) With house site locations identified, the applicant shall delineate a street system to provide vehicular access to each house in a manner conforming to the tract's natural topography and providing for a safe pattern of circulation and ingress and egress to and

from the tract. Proposed streets shall comply with the standards in Section 130-16.

- (b) Streets shall avoid, or at least minimize, adverse impacts on the open space areas. To the greatest extent practicable, wetland crossings and new streets or driveways traversing slopes of fifteen percent (15%) or greater shall be avoided.
 - (c) Street connections shall be encouraged to minimize the number of new cul-de-sacs and to facilitate easy access to and from homes in different parts of the tract (and on adjoining parcels where applicable).
 - (d) A tentative network of trails shall be shown. Potential trail connections to adjacent parcels shall also be shown in areas where a Township trail network is envisioned.
 - (e) Preferred locations for the stormwater and wastewater management facilities shall be identified using the Existing Resources and Site Analysis Plan and proposed open space lands as the base maps. Opportunities to use these facilities as an additional buffer between the proposed open space lands and development areas are encouraged. These facilities should generally be designed to improve the quality of stormwater runoff and wastewater effluent with emphasis placed on achieving maximum groundwater recharge areas as indicated on the Existing Resources and Site Analysis Plan. The design of the facilities should strive to use the natural capacity and features of the site to facilitate the management of stormwater and wastewater generated by the development.
- (4) Step 4: Design of Lot Lines. Lot lines for the subdivision should be drawn as the last step in the design procedure. They should follow the configuration of house sites and streets in a logical and flexible manner and be consistent with all applicable dimensional standards of the Zoning Ordinance.

Section 130-15.2 Open Space Review Standards.

- A. List of Resources to be Conserved. The location of proposed open space shall take into consideration the resource protection

standards of Articles XX, XXA and XXB, and Sections 150-204.1 of the Zoning Ordinance, open space and potential trail corridor recommendations of the Worcester Township Open Space Plan, and the resources identified in the Worcester Township Open Space Plan and the Worcester Township Comprehensive Plan. During the development review process, the Township shall be satisfied that the applicant has incorporated the following resources into the open space to the fullest extent practicable:

- (1) Stream channels, floodplains, wetlands, wet soils, swales, springs and other lowland areas, including adjacent buffer areas required to ensure their protection.
- (2) Steep slopes, particularly those adjoining watercourses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
- (3) Woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats.
- (4) Hedgerows, groups of trees, large individual trees, and other vegetation features representing the site's rural past.
- (5) Significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the Statewide Natural Diversity Inventory.
- (6) Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
- (7) Historic structures and sites, as documented in the Worcester Township Open Space Plan and Worcester Township historic inventories.
- (8) Visually prominent topographic features such as knolls, hilltops and ridges, and scenic viewsheds as seen from public roads (particularly those with historic features).
- (9) Existing trails connecting the tract to other locations in the Township.
- (10) Class I, II and III agricultural soils as defined by the USDA Natural Resource Conservation Service.

B. Other Design Considerations. The configuration of open space lands set aside for common use in residential subdivisions shall be consistent with the following standards:

- (1) It shall be free of all structures except historic buildings, stone walls, structures related to open space uses, and other structures specifically permitted by the Zoning Ordinance. The Board of Supervisors may grant approval of structures and improvements required for storm drainage, sewage treatment and water supply within the open space provided that such facilities are not detrimental to the open space. The acreage of lands required for such uses shall not be credited towards minimum open space acreage requirements for the tract, unless the land they occupy is appropriate for passive recreational use. However, in no case shall more than fifty percent (50%) of the open space be occupied by sewage treatment or stormwater management facilities and related infrastructure. At least twenty-five percent (25%) of the open space shall be free of structures or infrastructure of any type.
- (2) Common Greens. At least three percent (3%) of the required open space shall be in the form of common greens. A green is typically 5,000-20,000 square feet in area, with a maximum area of 32,000 square feet, and shall be located internal to the developed areas. A green shall be created and maintained as the open space around which dwellings are arranged. The front facade of the dwelling units shall face the green. The design of the green shall be governed by the examples shown in Appendix A "Conservation Subdivision Design Examples".
- (3) It shall not include parcels smaller than three (3) acres, segments having a length-to-width ratio of less than 4:1, or a width of less than seventy-five (75) feet, except for such lands specifically designed as neighborhood greens, playing fields or trail links.
- (4) It shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe and convenient pedestrian access to open space land.
- (5) Open space designated for active recreational uses shall not interfere with adjacent dwelling units, parking, driveways and roads.

- (6) It shall be interconnected wherever possible to provide a continuous network of open space lands within and adjoining the subdivision.
 - (7) It shall provide 150 foot buffers to adjoining parks, preserves and other already protected lands.
 - (8) Except in those cases where part of the open space is located within private house lots, open space lands shall provide for pedestrian pathways for use by the residents of the subdivision and/or the Township. Consideration shall be given to providing for public access on such trails if they are linked to other publicly-accessible pathway systems within the Township. Provisions should be made for access to the open space lands, as required for land management and emergency purposes.
 - (9) It shall be undivided by public or private streets, except where necessary for proper traffic circulation.
 - (10) It shall be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect open space resources.
 - (11) It shall be consistent with the policies of the Township's Comprehensive Plan and Open Space Plan.
- C. Ownership and Maintenance. Applicants shall demonstrate compliance with the requirements of Section 150-110.12 of the Zoning Ordinance, Ownership and Maintenance of Open Space and Common Facilities.

SECTION IV. Amendment to the Code.

The Codified Ordinances of Worcester Township, Chapter 130 (Subdivision and Land Development), Article VI (Plan Requirements) is hereby amended by deleting the existing Section 130-32.3 (Sketch Plans) in its entirety and replacing it with a new Section 130-32.3 entitled "Sketch Plan Information" as follows:

Section 130-32.3 Sketch Plan Information.

- A. A sketch plan may be submitted by the applicant as a diagrammatic basis for informal discussion with the Planning Commission, the Board of Supervisors, and the County Planning Commission regarding the design of a proposed subdivision or

land development. Sketch plan submission is strongly encouraged by the Township as a way of helping applicants and officials develop a better understanding of the property and to help establish an overall design approach that respects its special or noteworthy features, while providing for the density permitted under the zoning ordinance. The procedure for pre-application discussion and sketch plan submission is outlined in Section 130-12.

- B. To provide a full understanding of the site's potential and to facilitate the most effective exchange with the Planning Commission, the sketch plan should, at a minimum, include the information listed below. Many of these items can be taken from the Existing Resources and Site Analysis Plan, a document that must, in any case, be prepared and submitted no later than the date of the site visit, which precedes the preliminary plan submission (see Sections 130-11.1.B and 130-12.B). The sketch plan may be prepared as a simple overlay placed on top of the Existing Resources and Site Analysis Plan.
- (1) Name of the subdivision, name and address of the applicant and of the applicant's engineer, surveyor, planner, architect, or landscape architect, as applicable.
 - (2) Location Map showing the subject tract and the surrounding road network.
 - (3) Context Map, described in Section 130-33.B-1.
 - (4) Zoning District(s), including overlay districts if applicable.
 - (5) Municipality(ies) in which the subdivision or land development is located.
 - (6) Approximate tract boundaries sufficient to locate the tract on a map of the Township.
 - (7) Streets on and adjacent to the tract (both existing and proposed.)
 - (8) Scale (not greater than 1 inch = 200 feet), north arrow, and date of plan preparation. Dimensions of the plan need not be exact at this stage.
 - (9) Significant existing topographical, physical and cultural features such as easements, rights-of-way, soil types, floodplains, known wetlands, watercourses, woodlands, fields, pastures, meadows, trees with fifteen inches (15") DBH or greater, hedgerows and other significant

vegetation, prohibitive steep slopes (25% and over), precautionary steep slopes (15-25%), rock outcrops, soil types, ponds, ditches, drains, dumps, storage tanks, streams within 200 feet of the tract, and cultural features such as structures, foundations, walls, wells, trails and abandoned roads.

- (10) Schematic delineation of areas for land conservation and development ("bubble" format is acceptable for this delineation of Step One of the Four-Step Design Process described in Section 130-15.1.B of this Ordinance).
- (11) Proposed road and lot or dwelling unit layout.
- (12) In the case of land development plans, proposed general layout of buildings and/or major structures, parking areas and other improvements.
- (13) General description of proposed method and location of water supply, recharge, sewage treatment, and stormwater management.
- (14) The plan shall be clearly labeled "Sketch Plan."

SECTION V. Amendment to the Code.

The Codified Ordinances of Worcester Township, Chapter 130 (Subdivision and Land Development), Article VI (Plan Requirements), Section 130-33 (Preliminary Plan) is hereby amended by adding a new Sub-Section 130-33.B.1 entitled "Context Map" as follows:

Section 130-33.B.1 Context Map. A map showing the location of the proposed subdivision within its surrounding context shall be submitted.

- (1) For sites under one hundred (100) acres in area, such maps shall be at a scale not less than one (1) inch equals two hundred (200) feet, and shall show the relationship of the subject property to natural and man-made features existing within one thousand (1,000) feet of the site. For sites of one hundred (100) acres or more, the scale shall be one (1) inch equals four hundred (400) feet, and shall show the above relationships within two thousand (2,000) feet of the site.
- (2) The following features shall be shown:
 - (a) Topography (from the most current U.S.G.S. maps) and ridge lines,

- (b) Stream valleys and wetlands (from the most current maps published by the U.S. Fish & Wildlife Service or the USDA Natural Resources Conservation Service),
- (c) Woodlands over one-half (1/2) acre in area (from aerial photographs),
- (d) Public roads and trails, utility easements and rights of way,
- (e) Publicly owned land and land protected under conservation easements or deed or plan restrictions.

SECTION VI. Amendment to the Code.

The Codified Ordinances of Worcester Township, Chapter 130 (Subdivision and Land Development Ordinance), Article VI (Plan Requirements), Section 130-33.C (Existing Features) is hereby deleted in its entirety and replaced with the following new Section 130-33.C entitled "Existing Resources and Site Analysis Plan" as follows:

- C. Existing Resources and Site Analysis Plan. For all subdivisions and land developments, an Existing Resources and Site Analysis Plan shall be prepared to provide the developer and the Township with a comprehensive analysis of existing conditions, both on the proposed development site and within five hundred (500) feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies and from aerial photographs, as referred to in Section 130-33.B.1. The Township shall review the Plan to assess its accuracy and conformance with Township ordinances. The following information shall be required:
 - (1) Complete current perimeter boundary survey of the property to be subdivided or developed, prepared by a registered surveyor, showing all courses, distances, and area and tie-ins to all adjacent intersections.
 - (2) A vertical aerial photograph enlarged to a scale not less detailed than one (1) inch equals four hundred (400) feet, with the site boundaries clearly marked.
 - (3) Natural Features including:

- (a) Contour lines at intervals of not more than two (2) feet. Ten (10) foot intervals are permissible beyond the parcel boundaries, interpolated from U.S.G.S. published maps. Contour lines shall be based on information derived from a topographic survey for the property, evidence of which shall be submitted including the date and source of the contours. The datum to which contour elevations refer and references to known, established benchmarks and elevations shall be included on the plan. The Township elevations are based on the 1929 mean sea level datum. All contours and elevations shown on plans submitted to the Township shall be based on this system.
- (b) Steep slopes as defined in Article XXA in the Township Zoning Ordinance. The location of these slopes shall be graphically depicted by category on the plan. Slope shall be measured over three (3) or more two (2) foot contour intervals.
- (c) Areas within the Floodplain District, as defined in Article XX in the Township Zoning Ordinance.
- (d) Watercourses, either continuous or intermittent and named or unnamed, and lakes, ponds or other water features as depicted on the Colledgeville and Lansdale U.S.G.S. Quadrangle Map, most current edition.
- (e) Wetlands as defined in this Ordinance.
- (f) Riparian Corridor Zones 1 and 2, as defined in Article XXB in the Worcester Township Zoning Ordinance.
- (g) Soil types and their boundaries, as mapped by the USDA Natural Resources Conservation Service, including a table listing the soil characteristics pertaining to suitability for construction and, in unsewered areas, for septic suitability. Alluvial and hydric soils shall specifically be depicted on the plan.
- (h) The depth of the water table shall be noted on the plan or in a separate report along with the location of the test borings. When percolation tests are

required, the location and results of the test holes shall be indicated.

- (i) Existing vegetation, denoted by type, including woodlands, forests, hedgerows, and specimen vegetation, tree masses, tree lines, individual freestanding trees over six (6) inch DBH, wetland vegetation, pasture or croplands, orchards, permanent grass land, old fields, and any other notable vegetative features on the site. The requirements for a tree survey in Section 130-28.E shall be met. Vegetative types shall be described by plant community, relative age, and condition.
 - (j) Any portion of the tract identified as a Pennsylvania Natural Diversity Inventory (PNDI) site.
 - (k) A scenic viewshed analysis showing the location and extent of views into the property from public roads and from public parks, public forests, and state game lands. Scenic views identified in the Worcester Township Comprehensive Plan and Open Space Plan shall be shown.
 - (l) Ridgelines and watershed boundaries.
 - (m) Geologic formations on the tract, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant.
 - (n) Primary and secondary conservation areas consistent with the Worcester Township Open Space Plan and Comprehensive Plan.
- (4) Existing Man-Made Features, including:
- (a) Location, dimensions, and use of all existing buildings (whether occupied or not), and driveways.
 - (b) Location, names, widths, centerline courses, paving widths, identification numbers, and rights-of-way, of existing streets and alleys.
 - (c) Location and size of existing sanitary sewer, storm drains, water supply facilities, and any other utilities above or below the ground.

- (d) Location of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
 - (e) Any easements, deed restrictions, rights-of-way, or any other encumbrances upon the land, including location, size, and ownership.
 - (f) Site features or conditions such as waste dumps (hazardous or otherwise), underground tanks (whether active or abandoned), active and abandoned wells, quarries, landfills, sandmounds, and artificial land conditions.
 - (g) Locations of historically significant sites or structures on the tract, including, but not limited to foundations, cellar holes, stone walls, earthworks, and burial sites. Any portion of the site with historical resources identified in the Worcester Township Comprehensive Plan and Open Space Plan.
- (5) Total acreage of the tract, the Adjusted Tract Area, where applicable, and the constrained land area with detailed supporting calculations.
 - (6) Zoning Requirements, if any, or requirements of any Township ordinance or resolution on and adjacent to the land to be subdivided.
 - (7) The Plan shall meet all other applicable requirements of this chapter and shall propose development for only those uses permitted by Chapter 150, Zoning, and be in compliance therewith.

SECTION VII. Amendment to the Code.

The Codified Ordinances of Worcester Township, Chapter 130 (Subdivision and Land Development), Section 130-33 (Preliminary Plan), is hereby amended by inserting a new Section D and re-lettering the existing Section D to E with the following sections renumbered F through K as follows:

- D. Four-Step Design Process for Conservation Subdivision in the AGR District. Preliminary Plans for Conservation Subdivision Options 1, 2 and 3 (see Article IV of the Zoning Ordinance) shall include documentation of the Four-Step Design Process, described

in Section 130-15.1.B, in determining the layout of proposed house sites, streets, stormwater management facilities, and lot lines, and in the case of Option 1, open space. The applicant shall submit four separate sheets indicating each step of the design process.

- E. Proposed Street and Lot Layout. *Insert the following leading paragraph to existing Section D:* The following information shall be provided with the proposed street and lot layout. For those subdivisions using the Four-Step Design Process referred to in Section D above, the information may be included with that required in Section D if the additional information is legible; otherwise the information below shall be shown on a separate sheet. *(continue with existing Sections D (1) – (9))*
- F. Proposed Improvements *(unchanged except for section number from E to F)*
- G. Natural Resources Protection Plan. The Natural Resources Protection Plan shall include the following information to ensure compliance with this Ordinance and Articles XX, XXA and XXB of the Worcester Township Zoning Ordinance and Section 150-204.1 of the Worcester Township Zoning Ordinance:
 - (1) An encroachment map shall be provided which includes the natural features information required by Section 130-33.C above and a preliminary grading plan illustrating proposed limits of disturbance or removal of the identified natural features.
 - (2) The plan shall indicate the location of the tree protection zone for those trees or woodlands to be retained on the site, together with information indicating how the woodland protection requirements of Section 130-28.F of this Ordinance are met.
- H. Stormwater Management and Erosion and Sedimentation Control Plan, in accordance with Section 130-24 of this ordinance.
- I. Landscaping Plan, in accordance with the requirements of Section 130-28 of this Ordinance.
- J. Lighting Plan. *(reserved):*
- K. Certificates. *(previous subsection F, unchanged except for Section number from F to K)*

SECTION VIII. Amendment to the Code.

The Codified Ordinances of Worcester Township, Chapter 130 (Subdivision and Land Development), Section 130-34 (Final Plan) is hereby amended as follows:

Section 130-34. Final Plan. *Insert the following leading paragraph:*

Final plans shall conform in all details with preliminary plans as reviewed and approved by the Board, including any conditions specified as a result of preliminary plan review. Further, final plans shall consist of and be prepared in accordance with the standards outlined below.

- A. Improvement Construction Plan. *Unchanged*
- B. Context Map. As required in Section 130-33.B.1, consistent with the terms of preliminary plan approval.
- C. Existing Resources and Site Analysis Plan. As required in Section 130-33.C, consistent with the terms of preliminary plan approval.
- D. Four-Step Design Process. As required in Section 130-33.D, consistent with the terms of preliminary plan approval.
- E. Street and Lot Layout. As required in Section 130-33.E, consistent with the terms of preliminary plan approval.
- F. Natural Resources Protection Plan. As required in Section 130-33.G, consistent with the terms of preliminary plan approval.
- G. Stormwater Management and Erosion and Sedimentation Control Plan. As required in Section 130-33.H, consistent with the terms of preliminary plan approval.
- H. Landscaping Plan. As required in Section 130-33.I, consistent with the terms of preliminary plan approval.
- I. Lighting Plan. As required in Section 130-33.J, consistent with the terms of preliminary plan approval.
- J. Record Plan. *(previous subsection B, unchanged except for Section number from B to J)*

SECTION IX. Amendment to the Code.

The Codified Ordinances of Worcester Township, Chapter 130 (Subdivision and Land Development), is hereby amended by adoption of Appendix "A" entitled "Conservation Subdivision Design Guidelines and Examples" as more fully set forth in Exhibit "A" attached

hereto by reference, as set forth at length, including all text, diagrams, guidelines, corollaries, other illustrations and resources intended to illustrate the purpose and implementation of Conservation Subdivisions.

SECTION X. Amendment to the Code.

The Codified Ordinances of Worcester Township, Chapter 150 (Zoning), Article III (Terminology), Section 150-9 (Definitions) is hereby amended by deleting, replacing and amending (as applicable) certain definitions as follows:

ADJUSTED TRACT AREA - The gross tract area minus the constrained land.

BUILDING HEIGHT – The vertical distance measured from the average elevation of the existing grade at the location of the building to the highest point of a flat or multi-level roof, or, for gable, hip or gambrel roofs, the mean height between the eaves and the ridge. Chimneys, spires, towers, mechanical penthouses, tanks and similar projections not intended for human occupancy shall be excluded.

BUILDING LINE – The line established within a lot, measured from the street ultimate right-of-way and parallel thereto, defining the minimum distance in which no building may be constructed. In the case of a flag lot, the building line shall be a line parallel to the street right-of-way measured from the property interior line nearest the street.

COMMON FACILITIES – All the real property and improvements, including without limitation, landscaped areas, buffers, open space not included within title lines of any privately owned lot, street rights-of-way not dedicated to Worcester Township, owned in common by residents within the development which is served by the facilities.

COMPREHENSIVE PLAN – The official public document, called “Worcester Township Comprehensive Plan”, consisting of maps, charts and textual matter that constitutes a policy guide to decisions about the physical and social development of Worcester Township, adopted April 17, 1996, as amended from time to time.

CONSERVATION AREA, PRIMARY – Lands within the 100-year floodplain, wetlands, slopes in excess of twenty-five percent (25%), and Riparian Buffer Zone 1.

CONSERVATION AREA, SECONDARY – All landscape elements not included in the primary conservation area. These include:

- A. Hydric soils, swales, springs, lowland areas other than wetlands, and Riparian Buffer Zone 2.
- B. Precautionary steep slopes where the grade is fifteen percent (15%) to twenty-five percent (25%), particularly those adjoining watercourses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
- C. Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats.
- D. Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
- E. Hedgerows, groups of trees, large individual trees of botanic significance, and other vegetative features.
- F. Historic structures and sites.
- G. Visually prominent topographic features such as knolls, hilltops and ridges, and scenic viewsheds as seen from public roads (particularly those with historic features).
- H. Existing trails connecting the tract to other locations in the Township.

CONSERVANCY LOT – A large, privately-owned lot, containing an existing dwelling or farm complex, comprising part of the required open space in a conservation subdivision. An area of at least one acre surrounding the dwelling or farm complex is set aside and may not be counted toward the required minimum open space. The remainder of the conservancy lot is permanently protected open space. Public access to conservancy lots is not required.

CONSTRAINED LAND – The sum of certain physical features, as determined in Section 150- 110.5.A.

EFFECTIVE DATE OF THE ORDINANCE – The date upon which this Ordinance officially comes into effect, except that with respect to the subject matter of any amendment, said date shall mean the date upon which the particular amendment became or becomes effective.

GROSS TRACT AREA, see Tract Area, Gross.

HOMEOWNERS ASSOCIATION – A non-profit organization comprised of homeowners or property owners, planned and operated under negotiated and approved rules and regulations, for the purpose of administering the needs of

residents through the maintenance of community-owned property. This term is synonymous with property-owners association or community association.

INVASIVE PLANT SPECIES – Predominantly non-native, non-indigenous, alien tree, shrub, vine, or herbaceous species that grow or reproduce aggressively, usually because they have few or no natural predators, and which can so dominate an ecosystem that they kill off or drive out many indigenous plant or animal species. A list of invasive plant species, for the purposes of this Ordinance, may be obtained at the Worcester Township Building and is also available at www.dcnr.state.pa.us/forestry/wildplant/invasive.aspx

LOT AREA – Revise this definition to read: The total horizontal area of the lot which remains after subtracting the area of the exclusions set forth in the definition of “Lot Area Calculation” below.

LOT AREA CALCULATION-

Revise C to say:

- C. Any access portion of a lot with a width dimension of less than 70 feet. This does not apply to lots in Conservation Subdivisions.

Revise D to say:

- D. The area within the ultimate right of way of any preexisting or proposed road (whether public or private).

Revise F to say:

- F. All steep slope areas with a slope greater than 25% and one half of steep slope areas with a slope of 15-25%.

OPEN SPACE, PERMANENT Revise the term to “Open Space” and revise existing definition as follows:

OPEN SPACE – A parcel or parcels of land or an area of water, or a combination of land and water, within a development site, designed and intended for the use and enjoyment by the residents of such development and possibly the general public. Open space shall be substantially free of structures, but may contain such improvements as are in the finally approved development plan, and shall not include individually owned private yards, except in the case of approved conservancy lots, streets, and off-street parking areas unless provided in conjunction with a recreational facility. Open space shall be permanently restricted against further development and shall be specifically so designated on the Record Plan.

OPEN SPACE PLAN – The Worcester Township Open Space Plan adopted August 16, 1995, as amended from time to time.

PRIMARY CONSERVATION AREA – see Conservation Area, Primary

SECONDARY CONSERVATION AREA – See Conservation Area, Secondary

SEWAGE DISPOSAL SYSTEM:

- A. INDIVIDUAL - The private sewage disposal system of one (1) dwelling unit by safe and healthful means, as approved by the Montgomery County Health Department.
- B. CENTRAL/COMMUNITY COLLECTION AND TREATMENT (CENTRALIZED) – A sanitary sewage system which carries sewage from individual dischargers by a system of pipes to one (1) or more common treatment and disposal facilities, either on-site or off-site, and approved by the Pennsylvania Department of Environmental Protection.

SINGLE FAMILY DETACHED DWELLING – A building designed for and occupied exclusively as a residence for only one family and having no party wall in common with an adjacent building. A single family detached dwelling on a lot in a Conservation Subdivision under Section 150-110.3.C shall also include the concept of accessory dwellings if permitted by that Section.

STEEP SLOPES - Those areas of land where the average grade is fifteen percent (15%) or greater. For the purposes of this Ordinance, steep slopes are divided into two categories:

- A. Precautionary slopes are those steep slope areas where the average grade is fifteen (15) to twenty-five percent (25%).
- B. Prohibitive slopes are those steep slope areas where the average grade is twenty-five percent (25%) or greater.

Slope shall be measured as the change in elevation over the horizontal distance between consecutive contour lines. Slope shall be measured over three (3), two (2) foot contour intervals (six (6) cumulative vertical feet of slope). All slope measurements shall be determined by a topographic survey signed and sealed by a registered surveyor or engineer licensed to practice in the Commonwealth of Pennsylvania.

TRACT AREA OR SIZE, GROSS - The total amount of land contained within the limits of the legally described property lines bounding the tract.

SECTION XI. Amendment to the Code.

The Codified Ordinances of Worcester Township, Chapter 150 (Zoning), Article IV (AGR Agricultural District), Section 150-11 (Use Regulations) is hereby amended by deleting the existing sub-section B. in its entirety and by adding a new sub-section 150-11.B. as follows:

B. Single Family Detached Dwellings:

- (1) On tracts of less than eight acres, single family detached dwellings may be developed in accordance with the requirements of Sections 150-12 through 150-17 of this Article.
- (2) On tracts of eight acres or more, single family detached dwellings may be developed in accordance with the requirements of Article XVIA – Conservation Subdivisions and Sections 150-16 and 150-17 of this Article. In the case of any conflicts between the provisions of Sections 150-16, 150-17 and Article XVIA, Article XVIA shall control.

SECTION XII. Amendment to Code

The Codified Ordinances of Worcester Township, Chapter 150 (Zoning), are hereby amended by deleting Article XVIA (RPD Rural Preservation District) in its entirety and by adding a new Article XVIA entitled “Conservation Subdivisions” as follows:

ARTICLE XVIA CONSERVATION SUBDIVISIONS

Section 150-110.1 Legislative Intent.

- A. To conserve significant areas of open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands, by setting them aside from development;
- B. To protect areas of the Township with productive agricultural soils for continued or future agricultural use, by conserving blocks of land large enough to allow for effective farm operations;
- C. To reduce erosion and sedimentation and facilitate groundwater recharge by retaining existing vegetation, and minimizing development on steep slopes;
- D. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce

length of roads, utility runs, and the extent of paving required for residential development;

- E. To provide for a diversity of lot sizes and building densities, to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained;
- F. To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, floodplains, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, fieldstone walls, critical plant and wildlife habitat, and historic structures);
- G. To provide development options reflecting the varying circumstances and interests of individual landowners and the individual characteristics of their properties;
- H. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity;
- I. To conserve scenic views and elements of the Township's rural character, and to minimize perceived density, by minimizing views of new development from existing roads.
- J. To provide for the conservation and maintenance of an interconnected network of protected open space lands within the Township to achieve the above-mentioned goals and for active and passive recreational use by residents;
- K. To implement adopted municipal policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the Worcester Township Open Space Plan, including provisions to create a greenway system for the benefit of present and future residents;
- L. To implement policies identified in the Worcester Township Comprehensive Plan and Worcester Township Open Space Plan.

Section 150-110.2 Use Regulations.

- A. Residential Uses
 - (1) On tracts eight (8) acres or larger, the following three (3) Conservation Subdivision options are permitted by right:

- (a) Option 1, Neighborhood Lots: single-family detached dwellings with open space.
 - (b) Option 2, Estate Lots: single-family detached dwellings at reduced density, on larger lots and with no open space.
 - (c) Option 3, Country Properties: single-family detached dwellings at further reduced density, on larger lots with no open space. Up to two accessory dwelling units shall also be permitted in Option 3.
- (2) Proposals for Conservation Subdivisions on tracts (existing as of March 1, 2006) eight (8) acres or larger involving three (3) lots or less shall be exempt from the requirements of Subsection (1) above.
- (a) Lots under this Subsection A (2) shall meet the requirements of Sections 150-12 through 150-17.
 - (b) Where development of less than the entire tract is intended, or where the tract is intended to be developed at less than maximum density, the Board of Supervisors may require the applicant to file a sketch development plan for the entire parcel.

Section 150-110.3 Density Determination.

Determination of the maximum number of dwelling units for a Conservation Subdivision in Option 1 shall be based upon a yield plan, described in Subsection A below. The maximum number of dwelling units in Options 2 and 3 shall be based on the gross tract area and calculated as set forth in Subsections B and C below.

- A. Density in Option 1. The maximum number of dwelling units in Option 1 shall be based on a yield plan, which shall meet the following requirements:
- (1) Yield Plans shall be prepared as conceptual layout plans in accordance with the standards of the Subdivision Ordinance, containing proposed lots, streets, rights-of-way, and other pertinent features. Yield plans shall be drawn to scale, but need not be based on a field survey. The layout shall be demonstrably compliant with all applicable zoning regulations and entirely feasible from an engineering standpoint, reflecting a development pattern that could reasonably be expected to be implemented, taking into account the presence of wetlands, floodplains, steep slopes,

existing easements or encumbrances and, if not served by central sewage disposal facilities, the ability of the site to utilize on-lot, soils-based sewage disposal methods.

- (2) The Yield Plan shall identify the site's primary and secondary conservation areas, as identified in the Existing Resources/Site Analysis Plan.
- (3) Sewage Disposal Systems. On sites not served by central sewage disposal facilities, density shall be further determined by evaluating the number of homes that could be supported by individual soils-based sewage disposal methods. For the purposes of determining density under this Section, this standard shall exclude holding tanks, individual stream discharge systems and evapotranspiration systems. Based on the Existing Resources/Site Analysis Plan and observations made during an on-site visit of the property, the Planning Commission or Board of Supervisors shall select a ten percent (10%) sample of the lots considered to be marginal for on-lot sewage disposal. The applicant shall provide evidence that these lots meet the standards for an individual soils-based septic system. Should any of the lots in a sample fail to meet the standard for an individual soils-based septic system, those lots shall be deducted from the yield plan and a second ten percent (10%) sample shall be selected by the municipal planning commission and tested for compliance. This process shall be repeated until all lots in a given sample meet the standard for an individual soils-based septic system. The applicant shall be granted the full density determined by the Yield Plan.
- (4) Yield Plan Dimensional Standards: The following dimensional standards shall be used in the development of a Yield Plan. Lots shall comply with all requirements of the Township Subdivision and Land Development Ordinance. Lot areas shall be calculated as provided in the definition of lot area calculation in Article III.

Minimum lot area: 80,000 sq. ft.

Minimum lot width: 250 feet

Lots which front on secondary collector or primary streets shall have a minimum lot width measured at both the building and street lines of at least 250 feet. Flag lots shall not be permitted along collector or primary streets.

Front yard:

On rural, residential, cul-de-sac and secondary feeder streets: 75 feet

On secondary collector and primary streets, and scenic roads: 100 feet

Rear yard: 100 feet

Side yard: 50 feet

- B. Density in Option 2. The maximum number of dwelling units in Option 2 shall equal one dwelling unit per 160,000 square feet of gross tract area.
- C. Density in Option 3. The maximum base density in Option 3 shall equal one principal dwelling unit per 10 acres of gross tract area. In addition, up to two accessory dwelling units are permitted on a lot, incidental to the primary permitted use and not conducted as an independent principal use, provided the following regulations are met:
- (1) The accessory dwelling unit shall be located within the principal dwelling unit or in existing or new outbuildings (such as barns, stables, carriage houses, garages, and spring houses) and shall be designed to harmonize with the appearance of the principal dwelling.
 - (2) On lots less than ten (10) acres but at least five (5) acres in area, a maximum of one (1) accessory dwelling unit is permitted. On lots ten (10) acres or larger, up to two (2) accessory dwelling units are permitted.
 - (3) The gross floor area of one accessory dwelling unit shall not exceed 1200 square feet. The gross floor area of the other accessory dwelling unit, where permitted, shall not exceed 950 square feet. Under this section, existing historic accessory buildings more than 75 years old exceeding these floor area limits may be permitted to be used as an accessory dwelling unit, and shall not be required to meet the setback requirements set forth in Section 150-110.6.
 - (4) No part of an accessory dwelling unit shall be located more than 500 linear feet from any point on the principal dwelling, except for an existing historic accessory building.

- (5) Accessory dwellings shall not be permitted to have an additional accessory building, such as a garage.
 - (6) Building permits for new accessory dwelling units (and use and occupancy permits for existing structures proposed for use as accessory dwelling units) shall not be issued until the applicant demonstrates that a restrictive covenant has been placed on the subject property prohibiting future enlargement of the accessory dwelling unit beyond that permitted herein. This restriction shall also be incorporated into the building permit. Issuance of permits for accessory dwelling units shall be contingent upon approval of the Montgomery County Health Department for appropriate sewage disposal systems.
- D. In Options 2 and 3, dwelling unit calculations resulting in a fraction of 0.5 or greater shall be rounded up to the next higher whole number and a fraction of less than 0.5 shall be rounded down to next lower whole number.
- E. In Options 2 and 3, lots shall be permanently restricted from future subdivision and land development by a deed restriction enforced by the Township or by a conservation easement held by the Township or a qualified conservation organization. The organization and the terms and form of the easement shall be approved by the Township.
- F. Transfer of Development Rights. All or some of the units permitted under Subsections A, B and C above on one or more tracts may be transferred to one or more other tracts, by conditional use, provided the following conditions are met:
- (1) All tracts (whether "sending" or "receiving") shall be owned by the same legal or equitable owner.
 - (2) All tracts shall be located in the AGR Agricultural District or the LPD Land Preservation District.
 - (3) The applicant shall demonstrate that providing fewer or no units on one or more tracts and more units on one or more other tracts advances the purposes of conservation subdivision set forth in Section 150-110.1 better than locating the maximum permitted number of units on each tract.
 - (4) The Board of Supervisors shall determine that one or more of the tracts is less suitable or not suitable for development (the sending tracts) and the other tracts are suitable for

higher density development (the receiving tract), in accordance with the goals of the Worcester Township Comprehensive Plan and Open Space Plan.

- (5) Permission to transfer units from one or more tracts to other tracts shall be otherwise subject to the requirements of the Worcester Township Zoning Ordinance and the Worcester Township Subdivision and Land Development Ordinance, and any other Worcester Township regulations which apply to the development of the tract(s).
- (6) The applicant shall enter into an agreement with the Township specifying: (a) the maximum number of units permitted on each of the tracts; (b) the minimum required open space on each tract, which shall meet the requirements of Section 150-110.11.C; and (c) other conditions as applicable.
- (7) Prior to final approval of the plans for the sending or receiving tract, a deed of dedication to Worcester Township or a conservation easement running with the land and in favor of the Township or a conservation organization approved by the Township shall be established prohibiting any development of the sending tract, except as agreed in (6) above and specifically permitted by Worcester Township, and shall be recorded in the Montgomery County Office of Recorder of Deeds. The terms and form of the deed of dedication or conservation easement shall be acceptable to Worcester Township.

Section 150-110.4 Area and Bulk Regulations.

- A. Option 1: Neighborhood Lots:
 - (1) Open Space: minimum fifty percent (50%) of Adjusted Tract Area, plus constrained lands.
- B. Option 2: Estate Lots.
 - (1) Open Space: no open space is required.
- C. Option 3: Country Properties.
 - (1) Density: maximum one (1) principal dwelling unit per 10 acres of gross tract area.

- (2) Accessory Dwelling Units. Up to two accessory dwelling units are permitted, as set forth in Section 150- 110.3.C.
 - (a) A 10-acre tract existing on January 1, 2006 is also permitted up to two accessory dwelling units, in conformance with Section 150-110.20.C. Approval of two accessory dwelling units in addition to the principal dwelling unit shall be contingent upon such tract being deed restricted, with enforcement by the Township, against any further dwelling units.
- (3) Open Space: no open space is required.
- (4) Road Standards. Roads providing access to country properties shall not be required to meet all of the standards for public roads set forth in the Township Subdivision Ordinance. At the discretion of the Board of Supervisors, the cartway width and pavement standards may be modified.

Section 150-110.5 Open Space in Option 1.

Minimum open space required in Option 1 shall be determined as follows:

- A. Determine Constrained Lands. Constrained lands shall consist of the sum of (1) and (2) below:
 - (1) One hundred percent (100%) of floodplains, wetlands, land continuously covered with water, riparian buffer Zone 1, land within the legal rights-of-way of existing public streets or highways, or within the rights-of-way for existing or proposed overhead utility lines, and steep slopes over twenty-five percent (25%).
 - (2) Fifty percent (50%) of steep slopes fifteen percent (15%) to twenty-five percent (25%).
- B. Determine Adjusted Tract Area (ATA). The adjusted tract area (ATA) shall equal the gross tract area, as defined in Article II, minus the constrained lands determined in Subsection A above.
- C. Calculate Minimum Open Space. The minimum required open space shall equal fifty percent (50%) of the Adjusted Tract Area calculated in Subsection B above, plus one hundred percent (100%) of the constrained lands calculated in Subsection A above.

Formula: Open Space = (50% of ATA) + Constrained Lands

D. Conservancy Lots, containing an existing or proposed dwelling or farm complex, may be established to provide surrounding residents with visual access to open space land, while keeping the land under private ownership and maintenance. A conservancy lot shall conform to the following standards:

- (1) It shall be at least ten (10) acres in area.
- (2) It may occupy up to sixty percent (60) of the minimum required open space, with the remainder of the required open space owned and managed in accordance with the methods permitted in Section 150- 110.12. This percentage may be increased to one hundred percent (100%) if, at the discretion of the Board of Supervisors, such increase furthers the open space objectives of the Township.
- (3) A minimum area of at least one (1) acre surrounding the dwelling or farm complex shall be set aside and shall not be counted toward the required minimum open space. The remainder of the conservancy lot shall be permanently protected open space subject to the provisions of Section 150- 110.12, Ownership and Maintenance of Open Space and Common Facilities.
- (4) The conservancy lot shall be held under individual private ownership (not a homeowners association or land trust) and shall conform to the lot width and yard requirements for Option 3 in Section 150- 110.6.

Section 150-110.6. Lot Area, Width and Yard Requirements.

Lots shall conform with the following lot area, width and yard requirements:

	Option 1 Neighborhood Lots		Option 2 Estate Lots	Option 3 Country Properties
Minimum lot area	18,000 SF with centralized sewer and water	30,000 SF	40,000 SF	60,000 SF
Minimum lot width: At Street line At Building	40 ft. 80 ft.	50 ft. 100 ft.	100 ft. 200 ft.	150 ft. 300 ft.

line				
Front yard	35 ft.	50 ft.	50 ft.	100 ft.
Side yard	10 ft.,25 ft. aggregate	15 ft., 40 ft. aggregate	50 ft.	100 ft.
Rear yard	40 ft.	50 ft.	50 ft.	100 ft.

Section 150-110.7 Impervious Surface Coverage.

Maximum impervious surface limitations shall be established as follows:

Lot Area	Maximum Impervious Surface Coverage
18,000-29,000 s.f.	25%
30,000-39,999 s.f.	25%
40,000-49,999 s.f.	24%
50,000-59,999 s.f.	23%
60,000-69,000 s.f.	22%
70,000-79,999 s.f.	20%
80,000 s.f. – 2.99 ac.	18
3.00-3.99 acres	16
4.00-4.99 acres	14
5.00-5.99 acres	12
6.00-6.99 acres	10
7.00-7.99 acres	8
8.00-8.99 acres	7
9.00-13.99 acres	6
14.00 or more acres	Not to exceed 39,500 s.f.

Section 150-110.8 Height Regulations.

- A. Principal building: maximum 35 feet, not exceeding 2.5 stories.
- B. Accessory building: maximum twenty (20) feet.

Section 150-110.9. Design Process for Delineation of Open Space and Development Areas.

- A. Options 1, 2 and 3 shall follow the Four-Step Design Process set forth in Section 130-15.1.B of the Subdivision and Land Development Ordinance. Applicants shall be required to document

in sufficient detail compliance with the design process as described in the Subdivision and Land Development Ordinance.

B. Additional Design Standards for Dwellings and Lots.

- (1) Scenic qualities of all roads, particularly scenic roads as identified in the Worcester Township Comprehensive and Open Space Plans, shall be preserved to the greatest extent possible by effectively siting dwellings to be screened by existing topography, existing vegetation, or additional landscaping which meets the landscaping requirements of this Ordinance and the Subdivision and Land Development Ordinance.
- (2) All new dwellings shall meet the following setback requirements:
 - (a) From all external road rights-of-way 100 feet
 - (b) From other tract boundaries 50 feet
 - (c) From cropland or pasture land 100 feet
 - (d) From buildings or barnyards housing livestock (including horses) 300 feet
 - (e) From active recreation areas such as courts or playing fields (not including tot lots) 150 feet
- (3) Lots shall, to the maximum extent possible, be accessed from interior streets, rather than from roads bordering the tract.
- (4) At least seventy-five percent (75%) of the lots shall directly face conservancy lots or common open space land or face such land across a street.

Section 150-110.10 Uses Permitted in Open Space.

The following uses shall be permitted within the open space in Option 1 developments:

- A. Conservation of open land in its natural state (e.g., woodland, fallow field, or managed meadow);
- B. Non-intensive agricultural and horticultural uses, including boarding of horses, raising crops or livestock, wholesale nurseries excluding a retail sales center, tree farm excluding Christmas tree

retail sales. New buildings and structures are not permitted, with the exception of fences and shelters for animals not exceeding 300 square feet in floor area. Related existing agricultural residences and other existing associated buildings and structures may be located on the same lot as the agricultural uses, but the footprint of the residential building shall not be counted towards the minimum required open space. Agricultural uses specifically excluded are intensive agricultural uses and commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.

- C. Pasture land for horses used solely for recreational purposes. Equestrian facilities, such as corrals, paddocks and riding rings, but excluding new buildings, shall be permitted, but shall not occupy more than half of the minimum required open space.
- D. Neighborhood open space uses such as common greens, picnic areas, community gardens, trails, and similar low-impact passive recreational uses, but specifically excluding motorized off-road vehicle uses, shooting ranges, and other uses similar in character and potential impact as determined by the Board of Supervisors.
- E. Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided:
 - (1) Such areas in total do not consume more than fifty percent (50%) of the minimum required open space or five (5) acres, whichever is less.
 - (2) Playing fields, playgrounds, and courts shall not be located within one hundred and fifty (150) feet of abutting residential properties.
- F. Water supply and (if specifically permitted by the Board of Supervisors upon demonstration of no reasonable engineering alternative) in-ground sewage disposal systems (including individual off-lot systems), designed, landscaped, protected and permanently memorialized in recorded easement/maintenance agreements approved by the Township Solicitor.
- G. Naturalized stormwater recharge areas designed, landscaped, and available as an integral part of the open space system and capable of being used or enjoyed (e.g., a scenic feature, open meadow) by the residents of the development or Township, as determined by the Board of Supervisors.
- H. Easements for drainage, access, sewer or water lines, or other public uses;

- I. Underground utility rights-of-way. (Above-ground utility and road rights-of-way may traverse open space and conservation areas, but shall not count towards the minimum required open space.)

Section 150-110.11. Open Space Design Standards.

The location and configuration of proposed open space shall be based upon the guidelines and review standards outlined in Sections 130-15.1 and 130-15.2 of the Subdivision and Land Development Ordinance. In addition, the open space shall meet the following design standards:

- A. Open Space shall be laid out in general accordance with the intent to provide an interconnected network of open space across the development site, and ultimately across the Township. All Primary Conservation Areas shall be included in the open space.
- B. The required open space shall be owned and maintained as permitted in Section 150-110.12.
- C. At least thirty percent (30%) of the Adjusted Tract Area shall be available for the common use and passive enjoyment of the residents of the development, or Township residents if applicable, except where the primary purpose of the open space is for agricultural purposes.
- D. Buffers for Adjacent Public Parkland.
 - (1) Where the proposed development adjoins public parkland, a natural buffer of at least one hundred and fifty (150) feet in depth shall be provided within the development along its common boundary with the parkland, within which no new structures shall be constructed, nor shall any clearing of trees or understory growth be permitted, except as may be necessary for street or trail construction, or stewardship of the buffer area.
 - (2) Where the required buffer is unwooded, the Board of Supervisors may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through "no mow" policies and the periodic removal of invasive plant species.
 - (3) Proposed maintenance of the parkland buffer shall be included in the Open Space Management Plan required in Section 150-110.12.C.

- E. No portion of any building lot may be used to meet the minimum open space requirement, except in the form of conservancy lots as permitted in Section 150-110.5.D.
- F. Pedestrian and maintenance access to open space, excluding those lands used for agricultural or horticultural purposes, shall be provided in accordance with the following requirements:
 - (1) One (1) access point per fifteen (15) units shall be provided. Such access points shall be a minimum of thirty-five (35) feet in width.
 - (2) Access to open space used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural activities.

Section 150-110.12. Ownership and Maintenance of Open Space and Common Facilities.

- A. Permanent Protection of Open Space in Option 1
 - (1) Open space created under Option 1 shall be permanently restricted from future subdivision and land development by one or more of the methods permitted in B below. Except as otherwise specified in this Section, development shall not be permitted in the open space at any time.
 - (2) Where disturbance of open space is proposed, the determination of necessity for such disturbance shall lie with the Board of Supervisors. Disturbance shall be kept to the minimum necessary.
- B. Ownership Options for Open Space and other Common Facilities. Subject to permanent conservation restrictions, the following methods may be used, either individually or in combination, to own open space and other common facilities. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this section, and then only when there is no change in the total approved amount of common open space ratio in the overall development.
 - (1) Fee Simple Dedication to the Township.
 - (a) The Township may, but shall not be required to, accept dedication in the form of fee simple ownership of designated open space land. There shall be no cost to the Township for acceptance of such dedication.

- (b) Where the Township accepts dedication of open space land that contains improvements, the Board of Supervisors may require the posting of financial security in the amount of 15% of the cost of the improvements to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication.
- (2) Condominium Ownership. The designated open space land and associated facilities may be held in common by the unit owners as a condominium, the documents for which shall be approved by the Board of Supervisors. Such condominium documents shall be in conformance with the Pennsylvania Uniform Condominium Act of 1980, as amended. All common open space land shall be "common elements" or "limited common elements." To the degree applicable, condominium documents shall comply with the provisions of Section 150-110.12.B.3 below. Condominium documents shall be recorded with the Final Subdivision and Land Development Plans. At the time of Preliminary Plan submission, the applicant shall provide draft condominium documents with sufficient detail to demonstrate feasible compliance with this Section.
 - (3) Homeowners' Association. The open space and associated facilities may be held in common ownership by a homeowners' association. The association shall be formed and operated under the following provisions:
 - (a) The applicant shall provide the Township with a description of the association, proof of incorporation of the association, a copy of its bylaws, and satisfactory proof of adoption thereof, a copy of the declaration of covenants, easements or restrictions or similar document(s) regulating the use of the property and setting forth methods for maintaining the open space.
 - (b) The association shall be organized by the owner or applicant and operated with financial subsidization from the owner or applicant before the sale of any lots within the development.
 - (c) Membership in the association shall be mandatory for all purchasers of homes therein and their

successors, heirs and assigns. The conditions and timing of transferring control of the association from developer to the homeowners shall be identified.

- (d) The association shall be responsible for maintenance and insurance on open space and other common facilities owned by the association, enforceable by liens placed by the homeowners' association. Maintenance obligations also may be enforced by the Township, which may place liens against the homes of the individual members of the association to recover its costs.
- (e) The members of the Association shall share equitably the costs of maintaining open space owned by the association. Shares shall be defined within the Association bylaws or declaration. Association dues shall be structured to provide for both annual operating costs and to cover projected long-range costs relating to the repair of any capital facilities, which shall be deposited in a fund reserved for such purposes.
- (f) In the event of a proposed transfer, within the methods here permitted, of open space by the homeowners' association, or of the assumption of maintenance of such land by the Township, notice of such action shall be given to all members of the association no less than 30 days prior to such event.
- (g) The association shall have or hire adequate personnel to administer common facilities and to properly and continually maintain the open space.
- (h) The homeowners' association may lease open space lands to any qualified person or corporation, or to the Township. Such lease shall include operation and maintenance of such lands, and such a lease agreement shall provide:
 - i. That the open space lands to be leased shall be maintained for the purposes set forth in this Ordinance; and
 - ii. That the operation of open space facilities may be for the benefit of the residents only,

or may be open to the residents of the Township, at the election of the developer and/or homeowners' association, as the case may be.

- (i) The lease referred to in Subsection (h), above, shall be subject to the approval of the Board of Supervisors and any transfer or assignment of the lease shall be further subject to the approval of the Board of Supervisors. Lease agreements so entered upon shall be recorded with the Recorder of Deeds of Montgomery County, Pennsylvania within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the Secretary of the Township.
 - (j) Homeowners' association documents shall be approved by the Township, demonstrate compliance with the provisions herein, and shall be recorded with the Final Subdivision and Land Development Plans. Proof of recording thereof shall be provided to the Township prior to the issuance of any building permits for the property. At the time of Preliminary Plan submission, the applicant shall provide draft homeowners' association documentation with sufficient detail to demonstrate feasible compliance with this Section.
- (4) Private Conservation Organization or Montgomery County, Pennsylvania. With the permission of the Township, an owner or applicant may transfer either fee-simple title of the open space or conservation easements on the open space to a private, nonprofit conservation organization recognized by the Township, among whose primary purposes it is to conserve open space and/or natural resources, or to Montgomery County, Pennsylvania, provided that:
- (a) The organization is acceptable to the Board of Supervisors, and is a bona fide conservation organization with perpetual existence;
 - (b) The conveyance contains appropriate provision for proper reverter or retransfer in the event that the organization or Montgomery County, Pennsylvania, becomes unwilling or unable to continue carrying out its functions;

- (c) The open space is permanently restricted against future development through a conservation easement and the Township is included in the easement as an entity entitled to enforce these restrictions; and
 - (d) A maintenance agreement acceptable to the Board of Supervisors is entered into by the owner and the organization or Montgomery County.
 - (5) Dedication of Easements to the Township. The Township may, but shall not be required to, accept easements for public use of any portion or portions of designated open space land. In such cases, the open space remains in the ownership of the condominium association, homeowners' association or private conservation organization while the easements are held in public ownership. In addition, the following regulations shall apply:
 - (a) There shall be no cost of acquisition to the Township.
 - (b) Any such easements for public use shall provide for access for all residents of the Township.
 - (c) A satisfactory maintenance agreement shall be established, in writing, between the owner and the Township.
 - (6) Non-Common Private Ownership of Open Space. Up to sixty percent (60%) of the required open space may be included within one or more privately owned conservancy lots of at least 10 acres each. This percentage may be increased up to one hundred percent (100%) if, at the discretion of the Board of Supervisors, such increase furthers the open space objectives of the Township. Such open space shall be permanently restricted from future development through a conservation easement, except for those uses listed in Section 150- 110.10A through 150-110.10C and Section 150-110.G through 150-110.10I, and the Township shall have the authority to enforce the restrictions.
- C. Maintenance of Open Space and Common Facilities. Unless otherwise agreed to by the Board of Supervisors, the cost and responsibility of maintaining common facilities and open space shall be borne by the property owner, condominium association,

homeowners' association, or conservation organization as outlined below.

- (1) Required Open Space Management Plan. The applicant shall provide a plan for the long term management of the open space which is to be created as part of the development, including maintenance and management of any wastewater disposal, water supply, stormwater management or any other common facilities which may be located within areas of designated open space.
 - (a) Open Space Management Plan Information. Such a plan shall include a narrative discussion of the following items:
 - i. The manner in which the designated open space and any facilities included therein will be owned and by whom it will be managed and maintained;
 - ii. The conservation, land management and agricultural techniques and practices which will be used to conserve and perpetually protect the designated open space, including conservation plan(s) approved by the Montgomery County Conservation District where applicable;
 - iii. The professional and personnel resources that will be necessary in order to maintain and manage the property;
 - iv. The nature of public or private access that is planned for the designated open space; and
 - v. The source of funds that will be available for such management, preservation and maintenance on a perpetual basis.
 - vi. At the Township's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one year after project completion.
 - (b) At the time of Preliminary Plan submission, the applicant shall provide a draft open space management plan with sufficient detail to

demonstrate feasible compliance with the provisions required under this Section.

- (c) The management plan shall be recorded with the Final Subdivision and Land Development Plans, in the Office of the Recorder of Deeds of Montgomery County, Pennsylvania.
- (d) The Board of Supervisors may require as a condition of subdivision and/or land development approval that appropriate management contracts be established as evidence of the ability to adhere to the provisions of the approved management plan.
- (e) In order to allow for the changing needs inherent in the perpetual management of land, the management plan shall contain a provision to the effect that it may be changed by written application to the Board of Supervisors. Approval of such application by the Board of Supervisors shall not be unreasonably withheld or delayed, so long as:
 - i. The proposed change is feasible and is consistent with the purposes of preservation of open space set forth in this Section and with the approved subdivision and land development plans; and
 - ii. The plan for such change avoids a likelihood of the obligation for management and maintenance of the land falling upon the Township without the consent of the Board of Supervisors.

(2) Failure to Maintain Facilities and Corrective Action

- (a) Upon default by any owner, homeowners' association, conservation organization, or other entity responsible for maintenance of open space and/or associated common facilities, where such maintenance is required under the terms of the open space management plan, homeowners' association or condominium documents, any subdivision and/or land development plan for the property, the zoning approval for the property, or under any applicable requirements of any Township ordinances, permits or approvals, or where such maintenance is

otherwise necessary to abate a nuisance, emergency, hazard or other condition threatening persons or property or the public health, safety or welfare, the Township may, but shall not be obligated, to take the following actions:

- i. Upon thirty (30) days advance written notice to the person, association or entity responsible for such maintenance (or any such lesser period as may be specified in the notice in instances of emergency) and the failure of the responsible individual, entity or association within such thirty (30) day period (or such lesser period in the event of an emergency) to perform the necessary maintenance and otherwise remedy the condition set forth in the Township's notice, to enter upon the open space, accessing the same through any other lands of such entity, association or individual as may be necessary, to perform such maintenance and take any other action necessary to correct the default in the Township's notice.
- ii. Any and all costs incurred by the Township in connection with such notice and maintenance shall be paid by the responsible individual, entity or association within ten (10) days after written demand by the Township. Upon failure of the responsible entity, association or individual to pay such costs by the time required, there shall be added thereto interest at the rate of fifteen percent (15%) per annum as well as all costs incurred by the Township in collection thereof.
 - a) All such costs of maintenance, remediation, notices, and collection, including court costs and attorney's fees, shall constitute a municipal lien and be enforceable as such against the responsible entity, individual or association.
 - b) Such lien shall be filed by the Township in the office of the

Prothonotary of Montgomery
County, Pennsylvania.

- D. Open Space Performance Bond. Where intended as common or public amenities, all landscape improvements, plantings, access ways, and recreational facilities within designated open space areas shall be provided by the developer. Financial security acceptable to the Township shall be required to cover costs of installation of such improvements in the open space area. The financial security shall be in the same form and adhere to the same conditions as otherwise required for proposed improvements by the Worcester Township Subdivision and Land Development Ordinance.

Sections 150-110.13 to 150-110.20 (Reserved for future use).

SECTION XIII. Amendment to Code.

The Codified Ordinances of Worcester Township, Chapter 150 (Zoning) are hereby amended by renumbering existing Sections 150-110.10 through 150-110.17 as well as all cross references to those Sections anywhere in the Codified Ordinances of the Township as follows:

150-110.10	Shall be	150-110.21
150-110.11	Shall be	150-110-22
150-110-12	Shall be	150-110.23
150-110-13	Shall be	150-110-24
150-110-14	Shall be	150-110-25
150-110-15	Shall be	150-110-26
150-110-16	Shall be	150-110-27
150-110-17	Shall be	150-110-28

SECTION XIV. – Amendment to Code

The Codified Ordinances of Worcester Township, Chapter 150 (Zoning), Article XVIB (LPD Land Preservation District), Section 150-110.11 (renumbered by this Ordinance as Section

150-110.22) (Permitted Uses) is hereby amended by deleting subsection 150-110.11.A.(1) in its entirety and replacing it with the following:

- (1) In accordance with the regulations of the AGR Agricultural District as specified in Section 150-11.B.

SECTION XV. Amendment to the Code.

The Codified Ordinances of Worcester Township, Chapter 150 (Zoning), Article XXA (Steep Slope Conservation District), Section 150-146.3 (Determination of Steep Slope Area) and Section 150-146.4 (Steep Slope Regulations) shall be amended as follows:

- (1) In Section 150-146.3.A., change “10%” to “15%”.
- (2) In Section 150-146.4.A. and all subsections, change all references to “10%” to “15%” and all references to “18%” to “25%”.
- (3) In Section 150-146.4.B., change all references to “18% to “25%”.

SECTION XVI. Amendment to the Code.

The Codified Ordinances of Worcester Township, Chapter 150 (Zoning), Article XVIB (LPD Land Preservation District), Section 150-110.15 (Density and Dimensional Standards), Section 150-110.15A (Density) shall be amended by deleting the existing subparagraph (2) in its entirety and replacing it with a new subparagraph (2) as follows:

- (2) The Number of residential lots permitted under the yield plan shall be the number of lots permitted for a land preservation cluster.

SECTION XVII. Repealer.

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

SECTION XVIII. Severability.

The provisions of this Ordinance are 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 XIX. 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 XX. Effective Date.

This Ordinance shall take effect and be of force five (5) days after its adoption in accordance with the Second Class Township Code.

ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania this ____ day of _____, 2006.

WORCESTER TOWNSHIP

By: _____
JOHN R. HARRIS, Chairman
Board of Supervisors

Attest: _____
ARTHUR C. BUSTARD, Secretary

NOTICE

NOTICE is hereby given that the Board of Supervisors of Worcester Township, at its public meeting on March _____, 2006 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 "Growing Greener Ordinance" amending the Codified Ordinances of Worcester Township.

The Growing Greener Ordinance consists of various amendments to the Worcester Township Subdivision and Land Development Ordinance, various amendments to the Worcester Township Zoning Ordinance including the addition of a new Zoning Classification called the CS-Conservation Subdivision District and a map amendment designating certain properties to be rezoned CS-Conservation Subdivision. A summary of the Growing Greener Ordinance is as follows: an Ordinance amending the Codified Ordinances of Worcester Township, Chapter 130 (Subdivision and Land Development), Article II (Terminology), Section 130-6 (Definitions) by deleting, amending and adding specified definitions; amending Chapter 130 (Subdivision and Land Development), Article IV (Plat Procedures) by deleting the existing Section 130-11 and replacing it with a new Section 130-11 entitled "Overview of Submittal and Review Process" and adding an additional Section 130-11.1 entitled "Pre-Application Meetings and Sketch Plans Submission and Review"; amending Chapter 130 (Subdivision and Land Development), Article V (Design Standards) by adding a new Section 130-15.1 entitled "Design Process for Conservation Subdivision" and a new Section 130-15.2 entitled "Open Space Review Standards"; amending Chapter 130 (Subdivision and Land Development), Article XI (Plan Requirements) by deleting existing Section 130-32.3 (Sketch Plans) and replacing it with a new Section 130-32.3 entitled "Sketch Plan Information"; amending Chapter 130 (Subdivision and Land Development), Article XI (Plan Requirements), Section 130-33 (Preliminary Plan) by adding a new Section 130-33.b.1 entitled "Context Map"; amending Chapter 130 (Subdivision and Land Development Ordinance) Article XI (Plan Requirements), Section 130-33.C (Existing Features) by deleting the existing Section in its entirety and replacing it with a new Section 130-33.C entitled "Existing Resources in Site Analysis Plan"; amending Chapter 130 (Subdivision and Land Development), Section 130-33 (Preliminary Plan) by adding several new subsections and re-lettering existing subsections; amending Chapter 130 (Subdivision and Land Development), Section 130-34 (Final Plan) by inserting a new leading paragraph and amending the various subsections therein; amending Chapter 130 (Subdivision and Land Development) by adoption of a new Appendix "A" entitled "Conservation Subdivision Design Guidelines and Examples" which includes text, diagrams, guidelines, corollaries, other illustrations and resources intended to illustrate the purpose and implementation of conservation subdivisions; amending Chapter 150 (Zoning), Article II (Terminology), Section 150-9 (Definitions) by deleting, replacing and amending certain definitions; amending chapter 150 (Zoning), Article IV (AGR Agricultural District), section 150-11 (Use Regulations) by deleting the existing subsection B. in its entirety and by adding a new sub-section B. permitting development of single family detached dwellings on tracts of less than eight acres pursuant to the existing AGR regulations and permitting development of single family detached dwellings on tracts of eight acres or more in accordance with the requirements of the new Article XVIA-Conservation Subdivisions; amending chapter 150 (Zoning) by deleting existing Article XVIA (RPD Rural

Preservation District) in its entirety and by adding a new Article XVIA entitled "Conservation Subdivisions" to include the legislative intent; use regulations; density determination; area and bulk regulations; parking regulations; special requirements; open space regulations; lot area, width and yard requirements; impervious surface coverage limitations; height regulations; design process for delineation of open space in development areas; uses permitted in open space; open space design standards; ownership and maintenance of open space in common facilities; amending chapter 150 (Zoning), Article XXA (SS Steep Slope Conservation District) by changing and clarifying the definition of Steep Slopes in section 150-146.3 (Determination of Steep Slope Areas) and section 150-146.4 (Steep Slope Regulations); amending chapter 150 (Zoning) by renumbering existing sections 150-110.10 through 150-110.17 as new sections 150-110.21 through 150-110.28; amending Chapter 150 (Zoning), Article XVIB (LPD Land Preservation District), section 150-110-22 (Permitted Uses) by permitting the development of single family detached dwellings in accordance with the amended provisions of the AGR Agricultural District regulations including those governing Conservation Subdivisions, amending Chapter 150 (Zoning), Article XVIB (LPD Land Preservation District), Section 150-110.15 (Density and Dimensional Standards), Section 150-110.15A (Density) by deleting the existing subparagraph (2) in its entirety and replacing it with a new subparagraph (2) limiting the number of residential lots permitted for a land preservation cluster to the number of lots permitted under the yield plan.

Copies of the full text of the proposed ordinance are available for examination during normal business hours without charge 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
MARK A. HOSTERMAN, ESQUIRE
WISLER, PEARLSTINE, TALONE,
CRAIG, GARRITY & POTASH, LLP
Solicitors for Worcester Township**

**WORCESTER TOWNSHIP
SUBDIVISION ORDINANCE**

APPENDIX A

**CONSERVATION SUBDIVISION DESIGN
GUIDELINES AND EXAMPLES**

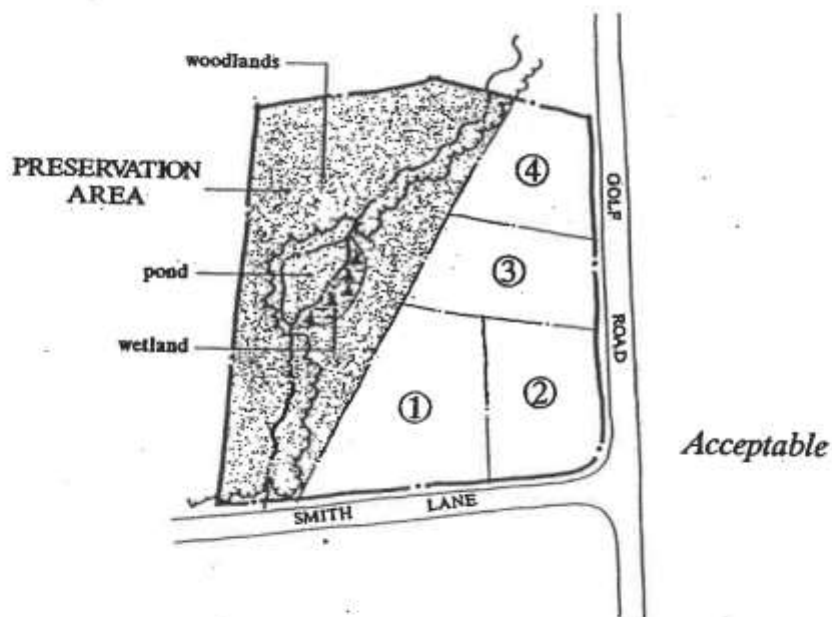
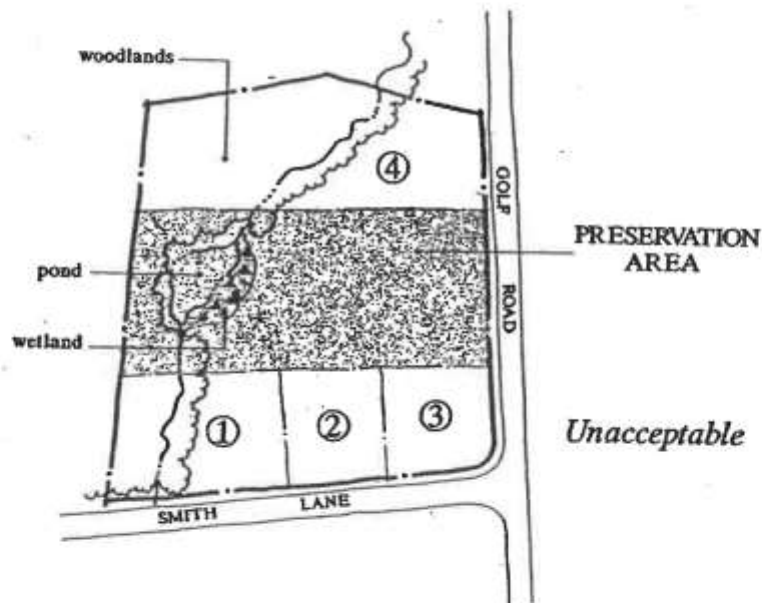
Pages 1-10	Design of Preservation Areas
Pages 11-16	Common Greens
Pages 17-34	Examples of Conservation Subdivisions
Pages 35-42	The Four-Step Design Process

DESIGN OF PRESERVATION AREAS

The guidelines that follow are from the "Design and Management Handbook for Preservation Areas" by Natural Lands Trust, Inc., November, 1993.

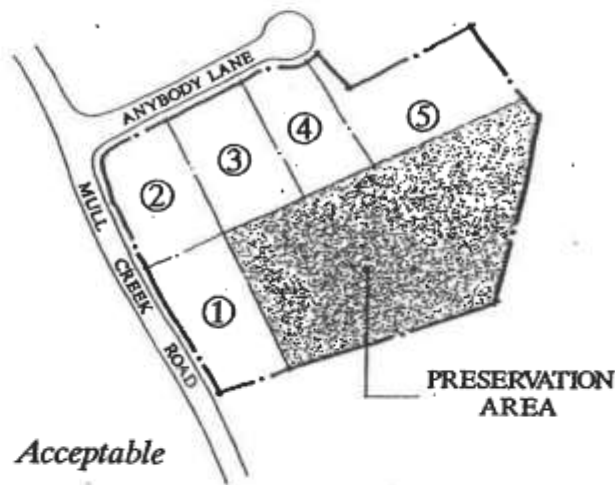
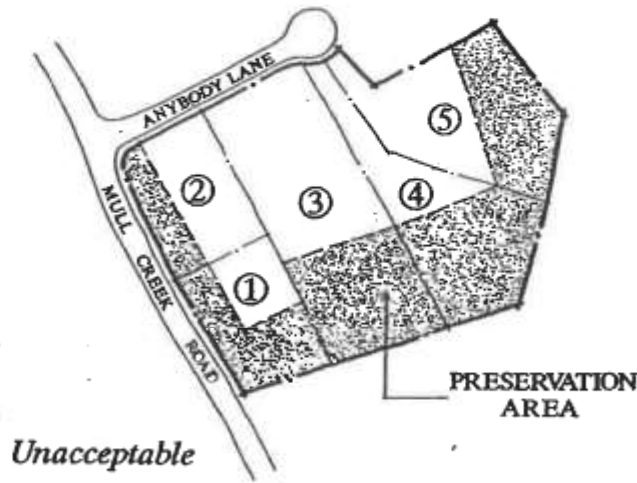
Guideline No. 1

Preservation Areas should include the most sensitive resource areas of the property.



Guideline No. 2

Preservation Areas should be designed as one, large block of land with logical, straightforward boundaries.

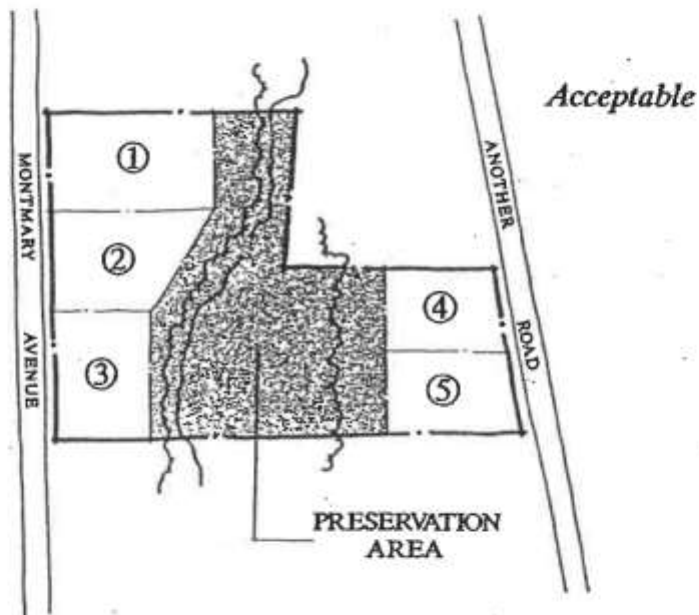
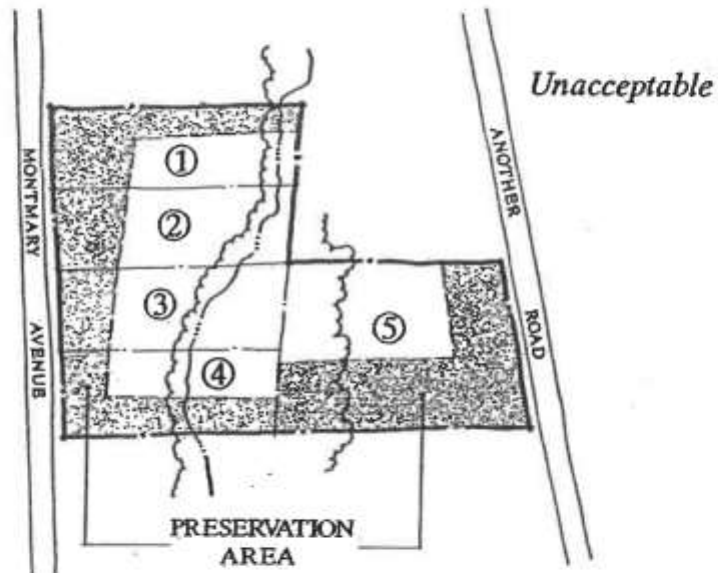


Corollary 2.1

The Preservation Area should cover as few ownerships as possible to limit the difficulty and complexity of future monitoring and enforcement, preferably just one parcel per project. If more than one ownership is absolutely unavoidable, then the Preservation Area should be configured so that one parcel contains all the sensitive natural area that is present, both to avoid fragmenting the natural system and to ease the burden of monitoring and enforcement.

Guideline No. 2

Preservation Areas should be designed as one, large block of land with logical, straightforward boundaries.

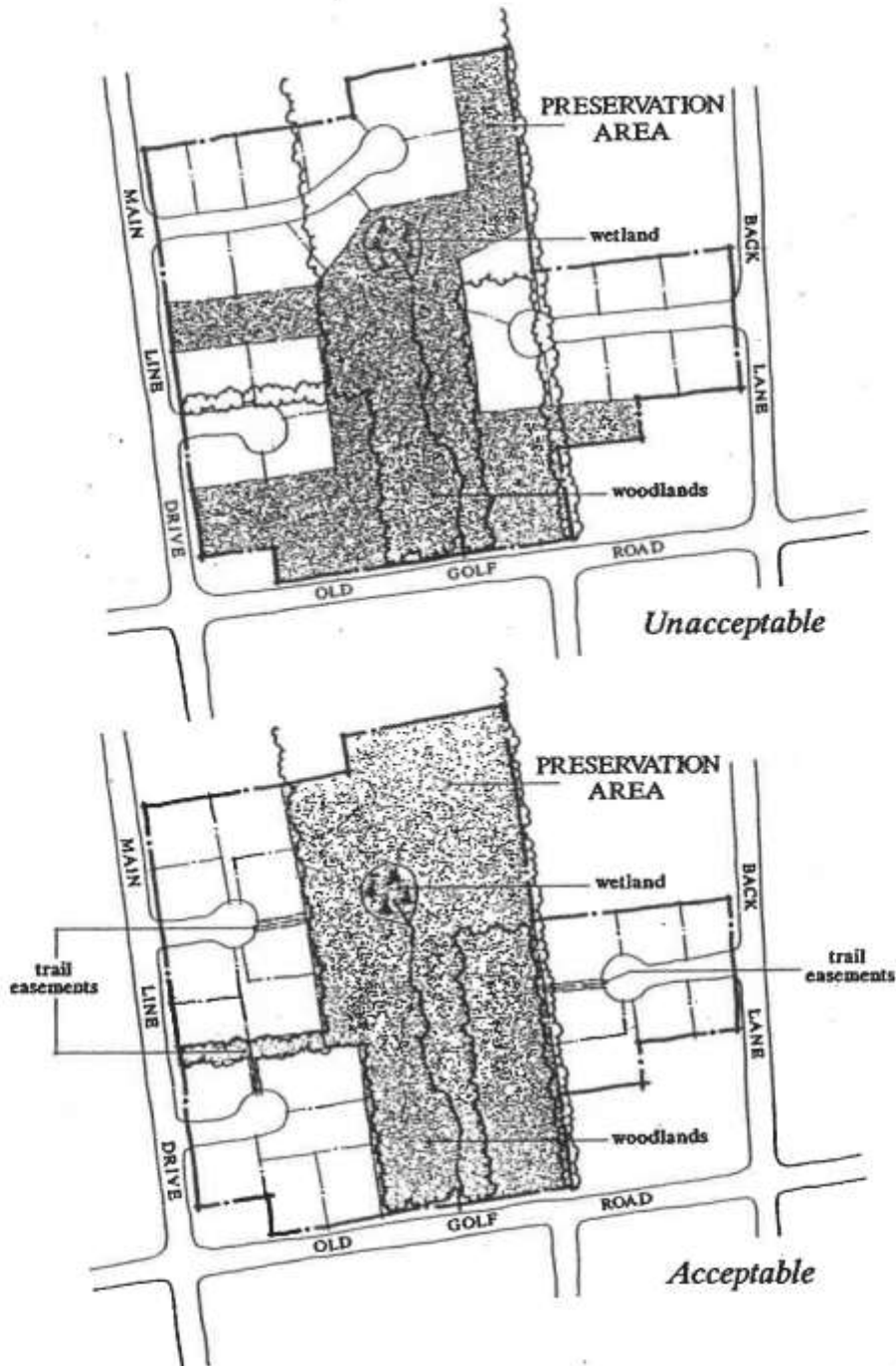


Corollary 2.2

Long, thin strips of land should be avoided as Preservation Areas unless they connect other significant areas or are designed to protect a linear resource that cannot otherwise be protected, e.g., a stream or trail.

Guideline No. 2

Preservation Areas should be designed as one, large block of land with logical, straightforward boundaries.

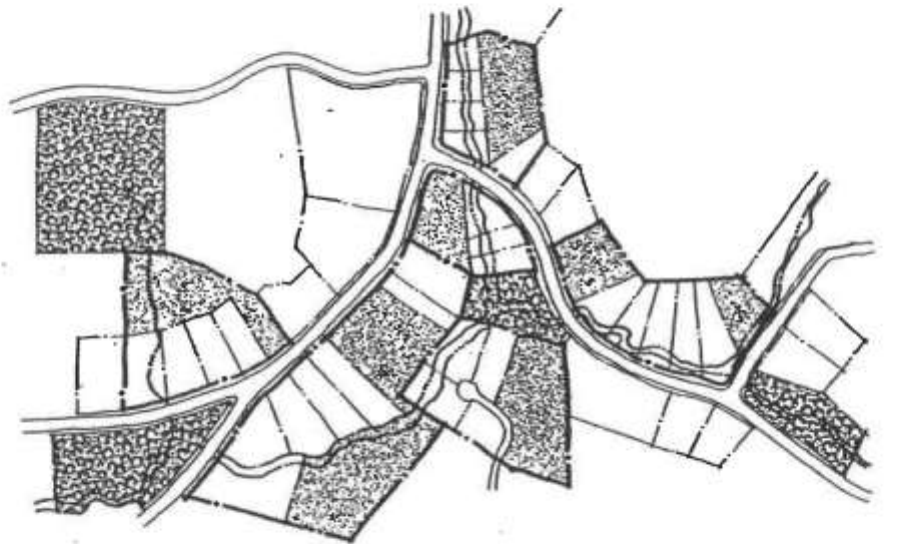


Corollary 2.4

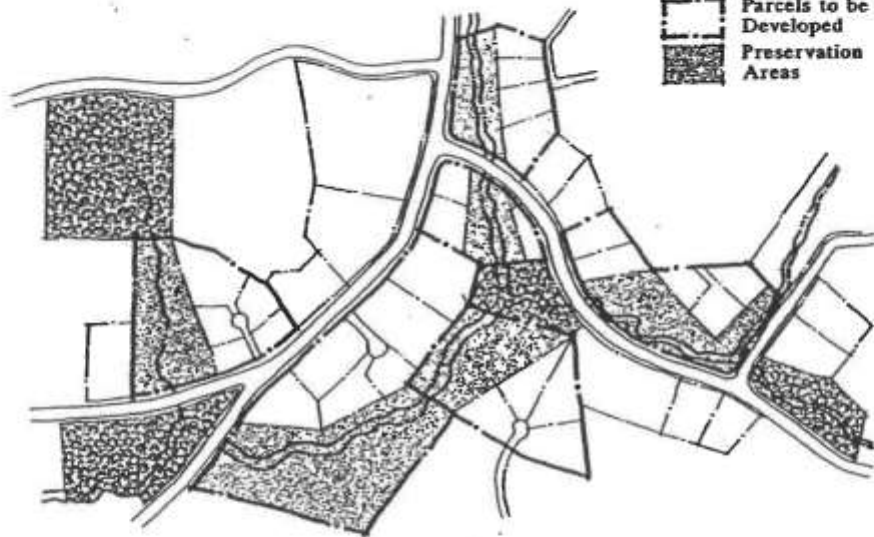
The boundaries of Preservation Areas should be designed to be as simple and short as possible, so they can easily be found in the field and enforced. Where possible, natural boundaries or existing features of the land should be used.

Guideline No. 3

The Preservation Area should be designed as part of a larger continuous and integrated open space system.



Unacceptable



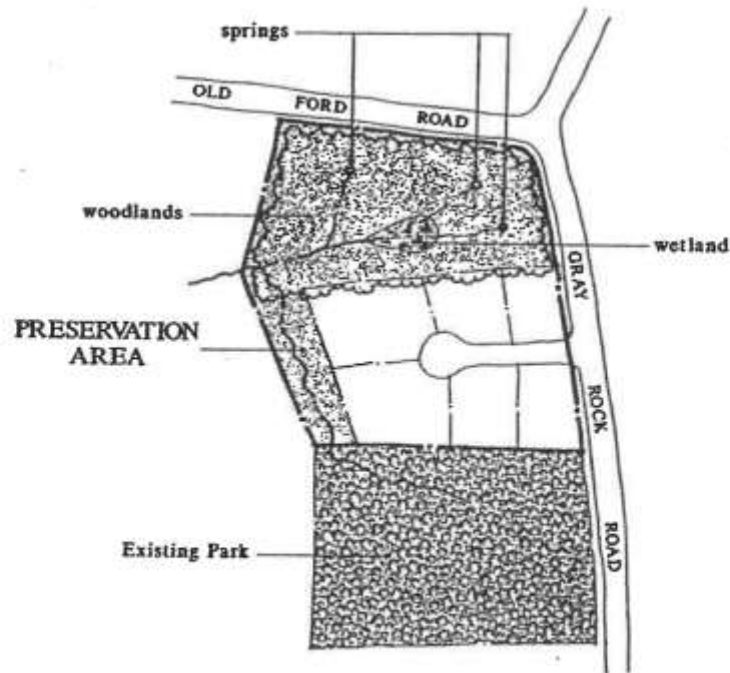
Acceptable

Corollary 3.1

The Preservation Area should be contiguous to other protected areas on adjoining lands.

Guideline No. 3

The Preservation Area should be designed as part of a larger continuous and integrated open space system.



Corollary 3.2

Where this is not possible, some connection to the other protected areas should be made.

COMMON GREENS

These examples of common greens are excerpts from "Crossroads, Hamlet, Village, Town," Randall Arendt, Second Edition, American Planning Association, PAS Report #523/524, 2004.

These examples relate to Section 130-15.2.B (2), Common Greens, of the Worcester Township Subdivision and Land Development Ordinance.

1. This illustration depicts "The Green" as an open space around which dwellings are arranged. Common greens are required as part of the open space in Option 1 development.

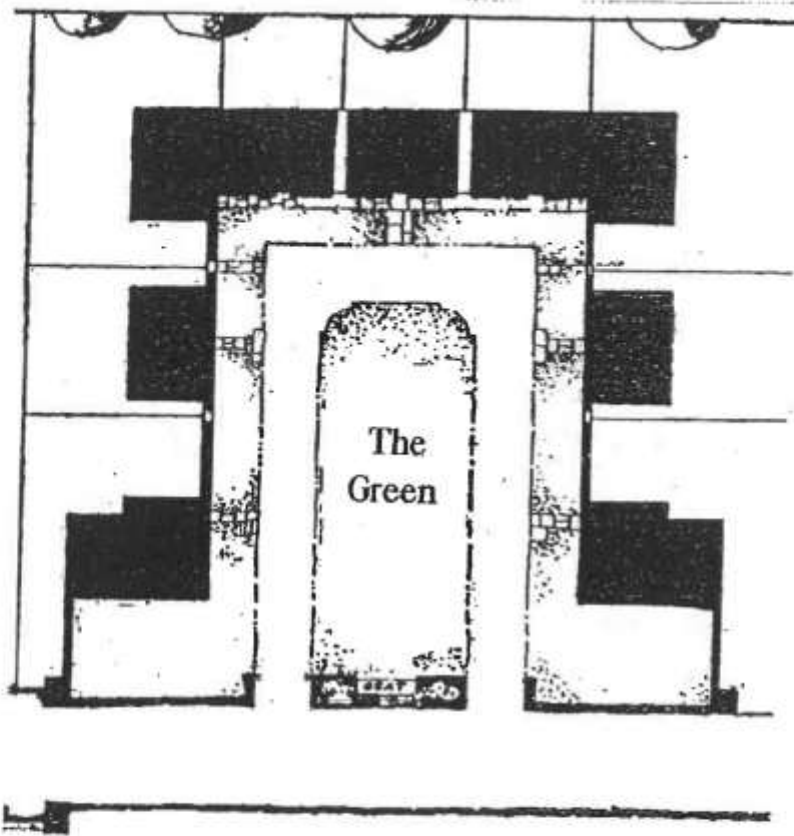


Figure 123. Garden City Court. The housing group shown here, which is similar to the one at Wyndcrest (Figure 124), is a recurring element in some of England's "Garden Cities". Source: Unwin (1909)

2. Greens can be small spaces shaped by a street and surrounded by dwellings, or can be effectively located on each side of a street, as illustrated here. Wyndcrest is located in Sandy Spring, Maryland.

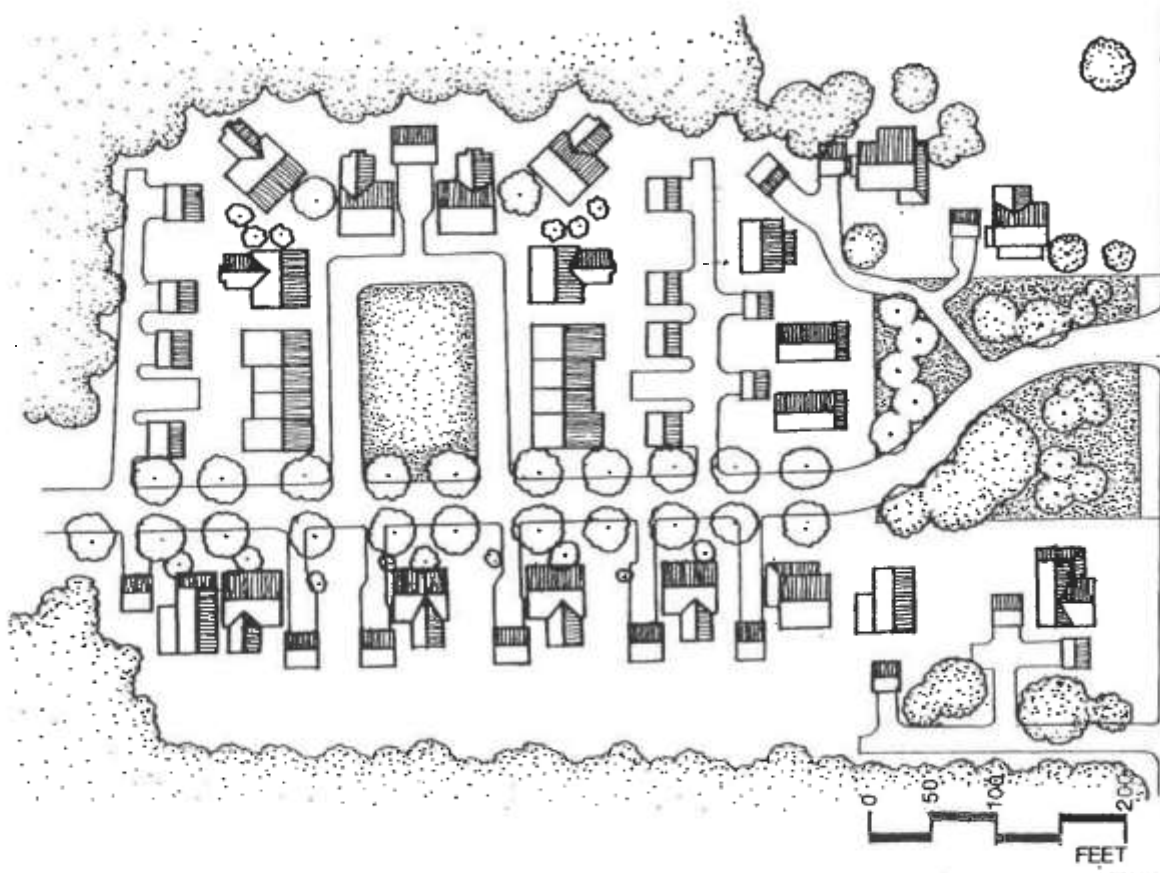


Figure 124. The greenlet at Wyndcrest measures only 5,000 square feet, yet creates just enough of a visual feature to establish a special feeling.

- Greens can be formed by "loop lanes". This example is located in Grand Junction, Colorado.

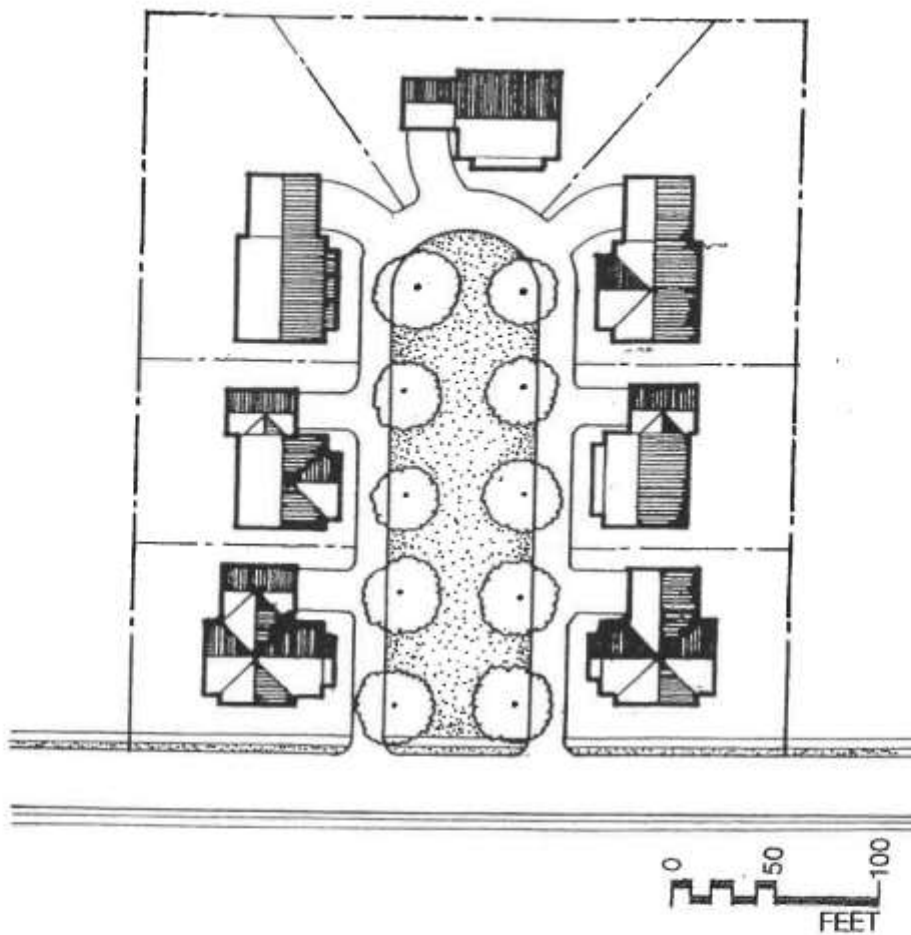


Figure 95. "Loop lanes": innovative street forms offer a practical alternative to the cul-de-sac in addition to providing neighborhood greenspace and an opportunity to install a "rain garden" capturing stormwater runoff close to the source.

4. This illustration depicts four different configurations for Greens in the central portion of the site.

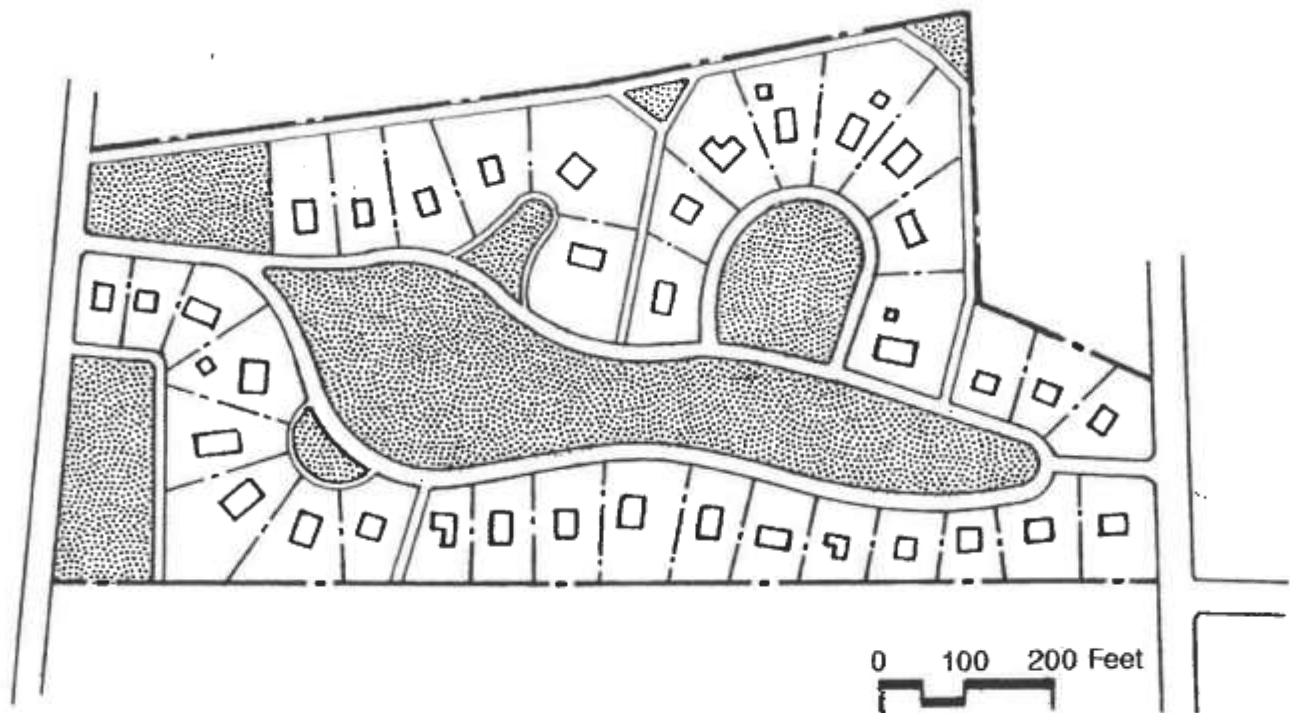


Figure 96. Central Parkland: Narbrook Park in Narberth, Pennsylvania, is a period piece, blending substantial open space with graceful informality. Several homes front directly onto the open space with no intervening street. . . . The access street that rings the central common at Narbrook Park is only 16 feet wide and was laid out with graceful serpentine "reverse curves" so loathed by engineers who connect every curve with a straight tangent. Its width has been adequate for all its 80 years, partly because on-street parking demand is minimal due to its "single-loaded" nature, with lots on one side only. Likewise, open drainage systems have consistently performed well (despite the conventional wisdom that curbs are needed in neighborhoods with modest lots), as the parkland serves as an informal stormwater detention area during severe cloudbursts.

EXAMPLES OF CONSERVATION SUBDIVISIONS

The examples that follow are from the "Growing Greener: Putting Conservation into Local Plans and Ordinances," by Randall Arendt, Natural Lands Trust, American Planning Association and American Society of Landscape Architects, Island Press, 1999.

Ringfield

Location: Ring Road, Chadds Ford Township (formerly Birmingham Township), Delaware County, Pennsylvania

Development Period: 1977-1986

Site Designer: Richard Chalfant, Wilmington, Delaware

Developer: Richard Chalfant, Wilmington, Delaware

Approximately 55 acres of this 64-acre site have been preserved as open meadows and natural woodlands. An informal network of woodland trails links the various neighborhood areas with three ponds, and consideration is currently being given to supplementing this system with additional trails mown across or around several of the wildflower meadows to offer more diverse walking choices to the residents.

The township's Planned Residential District allowed the developer to achieve full density (at its two-acre standard) and wisely did not impose any restrictions on lot size, width, or street frontage. This flexibility permitted the site designer wide latitude in fitting the homes into the landscape and the topography to take full advantage of views and sunlight. The homes in Ringfield occupy quarter-acre lots, all of which both face onto and back up to permanent open space. These lots are large enough to suit the owners' needs partly because they abut open space at the rear and partly because no land is wasted on front lawns (see Fig. 7-1a). Homes are situated at modest setbacks from the street with door yard gardens or informal landscaped areas instead of grassy yard space. Of the total, 25 homes are single-family detached, two are semi-detached, and six are townhouses. They range in floorspace from 2,700 to 3,600 square feet. The townhomes, in the center of the property, are fairly commodious at 2,400 square feet each, with three full baths.

With meadowland, dogwood trees, and a pond occupying the public viewshed along Ring Road, the layout of the neighborhood helps to preserve the township's rural character. Also facing Ring Road is the original stone farmhouse, situated on a separate lot.

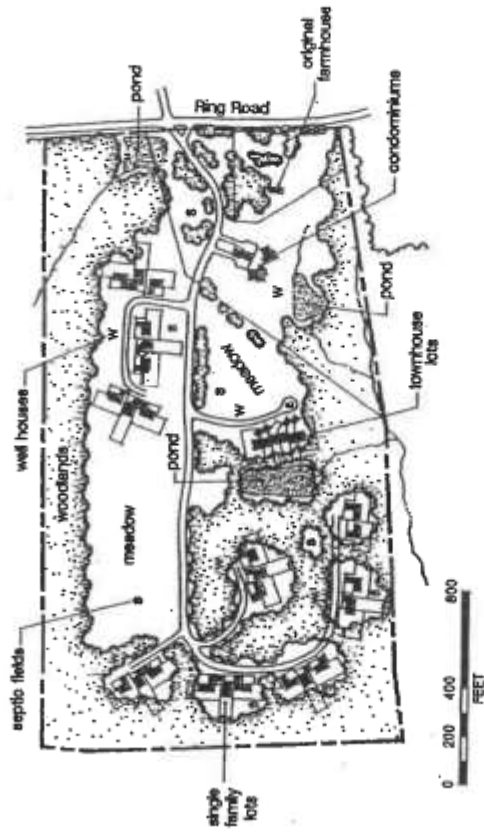


Figure 7-1a. Site plan of Ringfield.

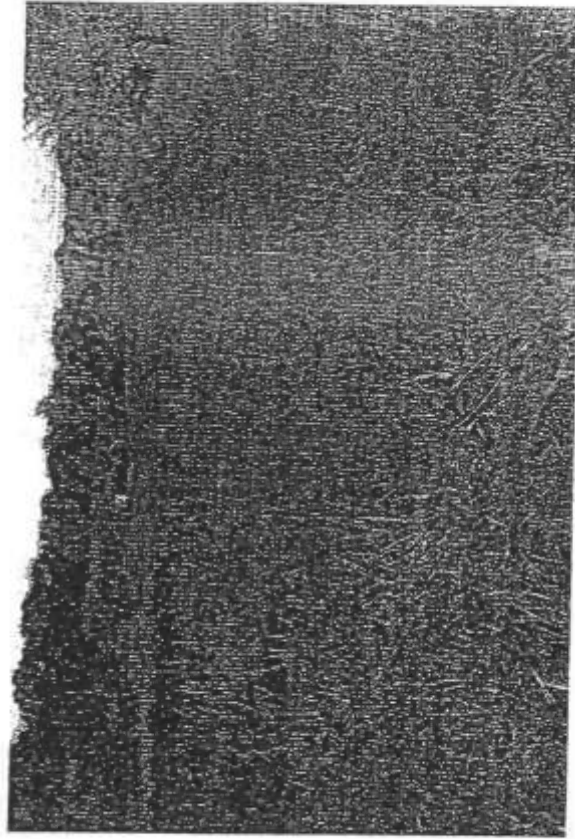


Figure 7-1b. The conservation meadows at Ringfield, which are covered with russet-colored broomrape (*Andropogon virginicus*) in the autumn, require minimal maintenance, offer habitat variety for local wildlife, and provide convenient areas for subsurface sewage disposal.

when the ice is very thick. A proposal to install "dry hydrants" in them to provide an on-site source of water for firefighters is under consideration.

The Ponds at Woodward

Location: Kennett Pike, Mendenhall, Kennett Township, Chester County, Pennsylvania

Development Period: 1989-1991

Site Designer: The Brandywine Conservancy, Chadds Ford, Pennsylvania

Developer: The Harlan Corporation, Bryn Mawr, Pennsylvania

This 120-acre property with 57 homes illustrates how landowners who are concerned about the ultimate disposition of their family lands can craft a solution with the assistance of land trust staff, and market their vision to developers who are amenable to blending conservation and development. As a result of this collaborative relationship, two-thirds of the property has been permanently protected, including ten acres of mature woodlands and a working orchard (producing apples and peaches) encompassing more than 50 acres. Moreover, the family's economic return was substantially increased over that which a conventional alternative would have generated.

Under the township's two-acre zoning this land was capable of being subdivided into 57 two-acre house lots, but it was also eligible for the Planned Residential Development (PRD) option under which four times as many dwellings could have been built. The two elderly brothers who owned the orchard asked the Brandywine Conservancy to comment on the concept plans submitted to them by potential developers, who had offered them \$800,000 to purchase their property to build a 230-unit PRD. Not impressed by the quality of the site designs submitted to it for review by the developer's engineer, Conservancy staff offered to lay out a more sensitive site plan based on the standard two-acre density but with the flexibility provided by the PRD regulations. Through discussions with the

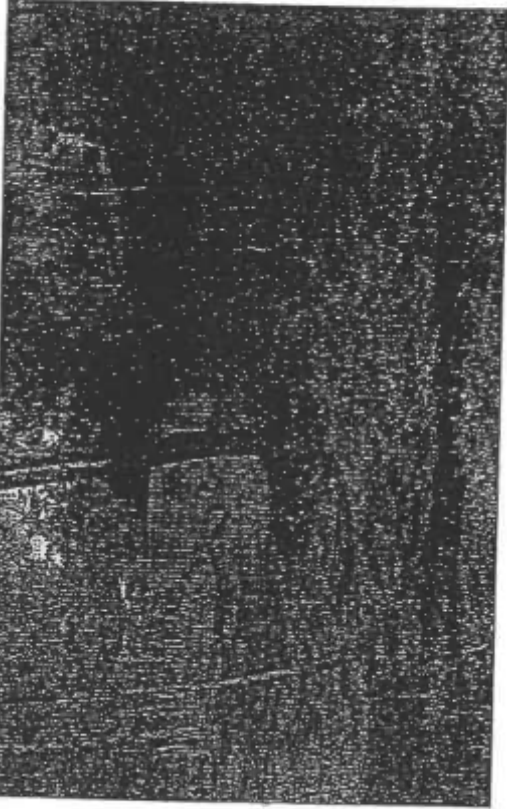


Figure 7-1c. As the ponds at Ringfield are located within the common open space, they are accessible to all neighborhood residents and are also protected from woodland clearing, lawn extensions, and other typical suburban encroachments that would diminish their water quality.

Homes are served by six deep wells, each supplying three to nine dwellings with up to 350 gallons of water per day per house. Only minimal treatment is needed to control minor acidity and iron content. The six wells and numerous shared septic drainage fields are all located in the common open space. To ensure longer life and smoother operations, accumulated solids are removed from the septic tanks by the homeowner association once every several years, a practice that should be followed in all subdivisions in which septic tanks are employed. Treated effluent is piped under pressure from these tanks to the drain fields by twin pumps that run sequentially, an approach that extends their lives and provides an emergency pump in the event one should require repair.

In addition to providing wildlife habitat and areas for quiet contemplation, the three excavated ponds are sometimes informally used for ice skating in the winter, but only during extremely cold periods

owners, neighbors, and township officials, a number of concerns were identified, including maintaining the orchard, protecting the woodlands, retaining the farmhouse and barns, and buffering the public viewshed as seen from Kennett Pike. These four goals became the conservation areas around which the alternative plan was designed.

Because everyone expected that the new 57-lot conservation design would not generate as high a return for the landowners as would a 230-unit PRD plan, the township offered to contribute \$50,000 to the brothers to help them make up the difference. The family's concept plan, featuring 70 percent open space, was then actively marketed to developers, five of whom were interviewed, and their past projects were examined. At the conclusion of these evaluations, the Harlan Corporation of Bryn Mawr was selected. Developers engaged in a small bidding war over this property and thus the brothers received multiple offers, the highest one being about \$1.3 million. Although involving only one-quarter the number of lots possible on the PRD plan, the more sensitive design increased the brothers' yield by 62 percent, rendering the township's subsidy unnecessary.

Although the township's standard two-acre zoning did not permit lot size reductions to enable land to be conserved, Conservancy staff utilized the flexibility of the PRD regulations to achieve their design objectives. As there is no law (not even an "economic law") requiring developers to build to the maximum density allowed under any ordinance, this did not pose a problem to the township or to anyone else. In fact, all parties were extremely pleased with this approach. The review process proceeded relatively smoothly, with considerable community support demonstrated for the proposal by neighbors, other residents, and officials. Altogether the development contains 31 detached single-family residences on one-third to one-half acre lots, plus 24 large condominium units attached in groups of three, with each unit occupying roughly 9,000 square feet of land, on average, in this part of the development. It should be noted that these attached units, which were located along a "single-loaded" street segment pro-

viding open space vistas both back and front, sold even faster than the detached houses and at prices three times higher than any condo had previously fetched in that township (see Fig. 7-2a). In addition, the working orchard operates a popular "pick-your-own" business, a Friends' nursery school occupies the original nineteenth-century farmhouse, a stained glass craftsman operates a small gallery and retail shop in an outbuilding, and a cabinet maker practices his trade in the barn.

Although the site is served by public water and natural gas, sewage is treated on site. After leaving an engineered sand filter, the treated effluent is absorbed by three subsurface leaching fields located within conservation areas that now serve as meadows and grassy open space.



Figure 7-2a. Site plan of the Ponds at Woodward.

The Fields of St. Croix

Location: Lake Elmo, Minnesota

Development Period: 1997-2000

Site Designer: Robert Engstrom

Developer: Robert Engstrom Companies, Minneapolis, Minnesota

Located in the St. Croix River valley 20 minutes northeast of downtown St. Paul, The Fields of St. Croix is a premier example of conservation subdivision design, one that received the 1998 Land Use and Community Award from the Minnesota Environmental Initiative. Of the 226 acres on this site, which the developer assembled from three separate farms, more than 60 percent is devoted to permanent open space uses including village greens, playing fields, agriculture, a nursery with native grasses and wildflowers, a restored prairie, wooded hillsides, and two ponds.

The overall design concept preserves long scenic views into the property across open farmland as seen from State Highway 5, which borders the eastern edge of the site. At the same time, the design locates the homes toward the center of the parcel, away from traffic noise and closer to the woods, ponds, and the large prairie restoration area on the western third of the site (see Fig. 7-3a).

The Fields of St. Croix was built under the city's relatively new open space development ordinance, the idea for which was spurred by the submission of a concept plan for this particular site. It was a situation in which the developer needed greater design flexibility to achieve his open space objectives than was permitted under the previous code, and local officials recognized it as an opportunity to update their regulations to allow the kind of superior site design demonstrated by Engstrom's initial concept plan. One of many positive results of this development proposal and the ordinance revision process is that the city's new zoning extends flexible design standards to an area encompassing 4,400 acres (nearly seven square miles) of semi-rural land within its jurisdiction.

Figure 7-2b. This part of the apple orchard is situated directly across the street from a group of homes that overlooks one of the ponds behind them. Such "single-loaded" streets, which offer unobstructed views of the open space to all who drive, walk, bike, or jog along them, improve marketability and sales because they incorporate green vistas into the everyday experience of neighborhood residents and are clearly not "less efficient," as commonly thought by conventional-minded developers.

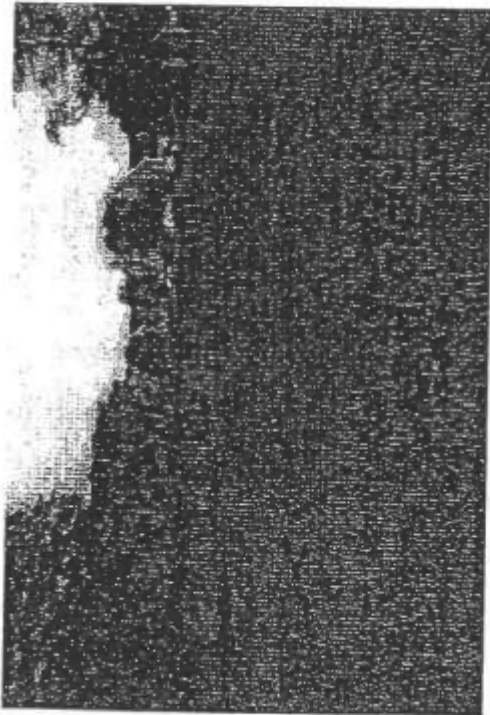


Figure 7-2c. The rear decks on this row of homes provide relaxing views of peach trees, which exhibit a riot of color every spring.



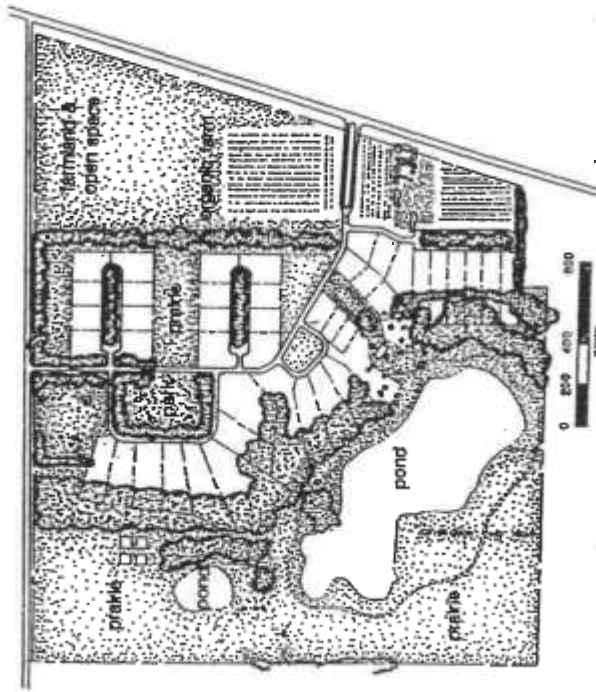


Figure 7-3a. Site plan of the Fields of St. Croix.

Although the site's 226 acres would have yielded approximately 65 house lots under the ordinance's base density of six dwellings per 20 acres, the final approved plan allows 100 homes through bonuses that bring the density up to 9 dwelling units per 20 acres. The ordinance's 50 percent density incentive has successfully encouraged the provision of community greens and trails as well as the preservation of historic structures. In addition to the unusual environmental features noted below, the design includes miles of trails for walking, jogging, or roller-blading, a central park large enough to accommodate natural areas, neighborhood play activities, and a tot lot. Sales have been extremely strong, with 80 percent of the 45 home sites in Phase One selling within the first six months. Lots vary in size from 10,800 square feet to 2.3 acres and range in price from \$44,500 to \$150,000, the most expensive ones being those backing up to the wooded hillside overlooking the two ponds and principal prairie restoration areas.

Of the development's more noteworthy and unusual attributes several stand out as truly exemplary features:

- Thirty acres of land restored to its original prairie habitat with native grasses and wildflowers indigenous to the region, plus ornamental grasses and perennial flowers, many of which were raised by the developer at a special nursery on his property.
- The retention of productive farmland in active use. Although only a small part of the original cropland remains, this acreage has proven ideal for a new kind of "metro-farmer" tilling the land and adapting to changing circumstances in an increasingly suburban location. In a situation in which continued production of traditional low-value crops such as corn and soybeans on a small parcel would not generate sufficient income to be feasible, specialty horticulture, tree and shrub nurseries, and the concept of "community-supported agriculture" (CSA) have provided better uses for the land. At The Fields, Natural Harvest, a CSA organi-

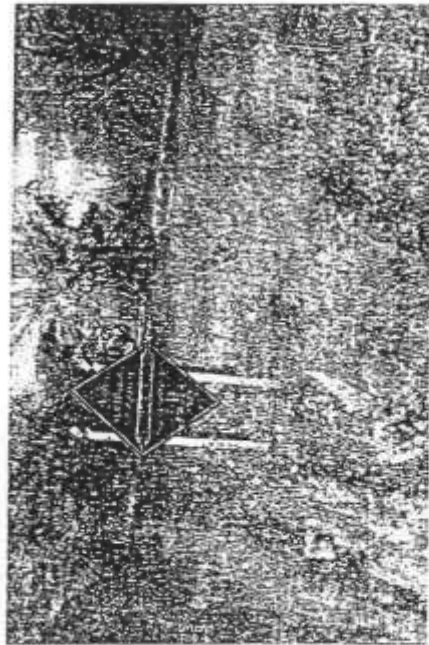


Figure 7-3b. Approximately 30 acres of land have been restored to their original prairie vegetation using native grasses and wildflowers propagated at the developer's own private nursery.

zation, produces organically grown vegetables and flowers for its members, including both residents and other townspeople who pay a yearly subscriber fee. Additional produce is sold to nearby restaurants.

- Wastewater treatment and disposal utilizing state-of-the-art constructed wetlands technology, discharging fully treated effluent into the ground, thereby also recharging the local aquifer. Importantly, this approach removes greater amounts of nitrogen and phosphorus than do either conventional mechanical systems or standard septic systems. Because of their smaller size, ease of replacement, and greater design flexibility, constructed wetland systems are becoming the system of choice in many developments built under the city's new open space ordinance. The system at The Fields was the first one in the state licensed by the Minnesota Pollution Control Authority.

- Stormwater management designed to handle nearly all precipitation on site through retention, evaporation, and infiltration.
- Restoration of a Civil War-era barn as a community center for residents and available occasionally to others, such as local conservation groups.
- Community streetscape and security are enhanced by reduced public street standards permitting land and street widths of 14, 16, and 18 feet.
- Distinctive homes of stylized Craftsman or Prairie architecture are energy-efficient, built according to EPA Energy Star standards.

All of the common open space and the restored barn are owned by the community association. The non-common open space encompasses the tilled fields, but both types of conservation land are permanently protected through easements held by the Minnesota Land Trust.

Prairie Crossing

Location: Grayslake, Lake County, Illinois

Development Period: 1997–present

Site Designer: William J. Johnson, Bainbridge Island, Washington

Developer: Prairie Holdings Corporation, Grayslake, Illinois

Of Prairie Crossing's 667 acres, more than 450 (or about 70 percent) will remain as permanent open space. That land includes 160 acres of restored prairie, 158 acres of active farmland, 13 acres of wetlands, a 22-acre lake, three ponds, and several community greens and neighborhood parks (see Fig. 7-4a). The agricultural portion of this open space includes horse pastures, a boarding stable, homeowner garden plots, and a ten-acre community-supported organic farm from which 100 member families receive a bushel of fresh produce and cut flowers each week during the 20-week growing season for an annual subscription of up to \$400.

Prairie Crossing's open space has been designed as the western anchor of the adjoining Liberty Prairie Reserve, a 2,500-acre cooperative land preservation project whose principal players have been the Lake County Forest Preserve District, The Nature Conservancy, and Libertyville Township (which in 1986 approved a \$22 million bond issue to protect land in that community), along with individual landowners. Trails are being developed to make the reserve accessible to the public, with a regional trail connecting Prairie Crossing via an underpass.

The residential portion of Prairie Crossing has been sensitively laid out to preserve existing hedgerows and windbreaks and to provide sites for 317 single-family homes on lots ranging from 6,000 to 20,000 square feet. All the lots have been designed to abut and overlook the protected open lands. Four house types bear different relationships to the green space: village lots (60), meadow lots (131), field lots (54), and prairie lots (72). Homes ranging from 1,140 to 3,428 square feet have been designed by three prominent Chicago archi-

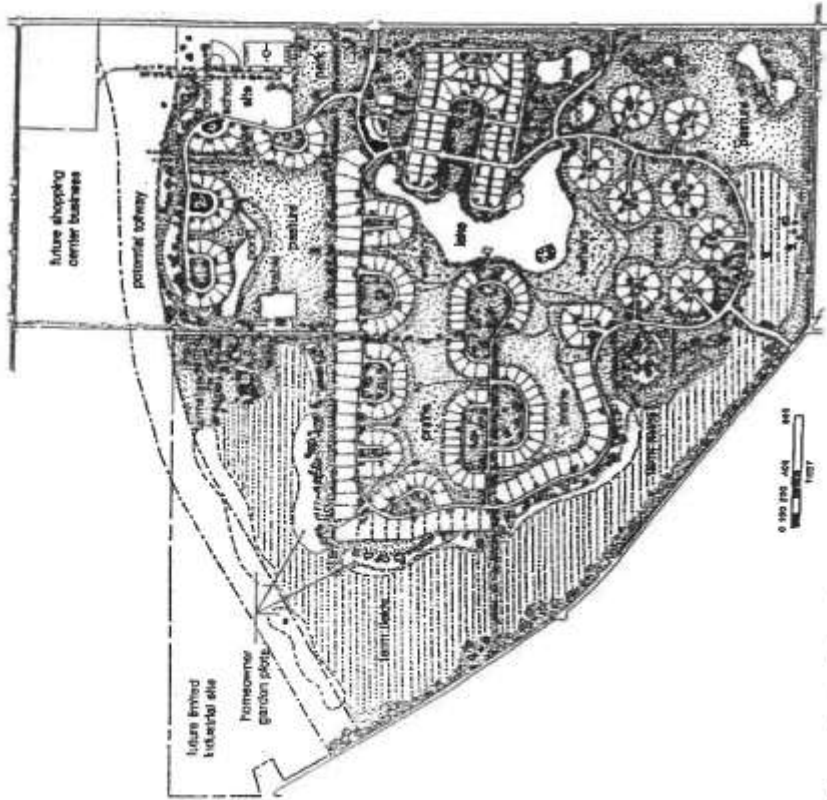


Figure 7-4a. Site plan of Prairie Crossing.

fects in updated versions of vernacular Midwestern farmhouses. They feature front porches, traditional roof pitches and overhangs, double-hung windows, and clapboards exposed four inches to the weather. Super-insulated and nearly air tight, these homes cut heating and cooling costs roughly in half. All conform to the U.S. Department of Energy's specifications for energy efficiency in its Building America program.

Prairie Crossing reflects the vision of Gaylord Donnelley, the late

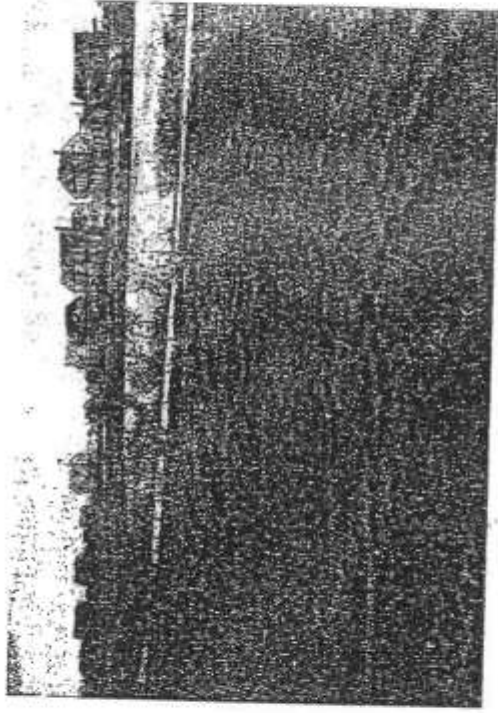


Figure 7-4b. A small pond graces one of Prairie Crossing's several neighborhood parks, through which runs a segment of the community's ten-mile trail network (which also connects it with a regional commuter rail station located close to one edge of the development).

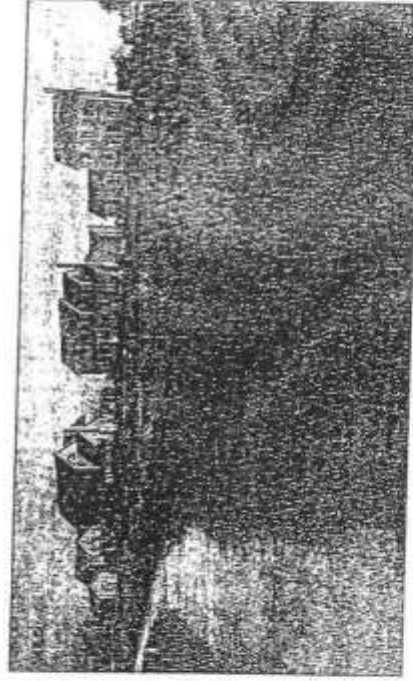


Figure 7-4c. All of this community's 317 homes look out onto various parts of the 450 acres of open space permanently protected as part of the original conservation design—either formal parks or informal fields, prairie, or wildlife habitat. The homes pictured here back up to community open space abutting and buffering the 2,500-acre Liberty Prairie Reserve located on a neighboring parcel.

printer who purchased the property in 1987 for \$7,500 per acre from a developer whose high-density proposal for the site had been opposed by the county and neighbors throughout 15 years of lawsuits.

A key part of the site design has been a state-of-the-art system for treating and absorbing stormwater on the site. Runoff is reduced both by building streets 8 to 12 feet narrower than are typical in subdivisions with lots of these sizes and by the use of roadside swales in which native plants absorb and filter some of the precipitation. These swales lead to wetland areas where further biological treatment occurs before the water reaches the lake, whose broad surface serves as a large holding area. This approach is estimated to reduce waterborne pollutants by 85-100 percent and to cut runoff volume by two-thirds. Such a high level of treatment is especially important at Prairie Crossing, where the runoff flows into Almond Marsh, a sedge meadow and 80-acre wetland to which the state has given its highest ecological protection. The high water quality also allows swimming and other nonmotorized recreational uses, as well as the reintroduction of native fish species to the ecosystem.

Homeowners are encouraged to plant their yards with native grasses, wildflowers, and shrubs, and one of the model homes has been landscaped in this way to show prospective and existing residents how this can be done. Several residents have employed this approach extensively on both their front and back yards; where conventional suburban lawn has been replaced by a combination of native trees and shrubs (hackberry, hawthorn, witch hazel, and chinkapin oak) and wildflowers indigenous to the area (purple coneflower, prairie coreopsis, aster, sweet William, and baptisia). This ethic is taken to an even higher level on the restored prairie within the common open space where the plants of the mesic and wet mesic prairies provide a rich wildlife habitat.

Among the built amenities at Prairie Crossing are its community center (an 1890s dairy barn rescued from another site and restored by the developer), a large village green overlooking the lake, a swim-

ming beach, and neighborhood parks with playgrounds, athletic fields, and tennis courts. In addition there are ten miles of trails for walking or riding, providing connections between neighborhoods and the new commuter rail station. The regional trail network will ultimately link to the Des Plaines River Greenway through the Liberty Prairie Reserve.

The open space is maintained according to a special management plan prepared by a restoration ecologist that specifies best management practices for the various kinds of conservation lands. These and other common maintenance costs are paid for by the homeowner association. Also, an innovative endowment fund receives one-half of one percent of the sales price each time a house is sold. These funds will be used to enhance the common natural resource and recreation areas in the future.

The Preserve at Hunter's Lake

Location: Town of Ottawa, Waukesha County, Wisconsin

Development Period: 1994-1998

Site Designer: Teska Associates, Evanston, Illinois

Developer: Siepmann Realty, Waukesha County, Wisconsin

Of the 276 acres on this property, more than 180 (or nearly 70 percent) will remain as permanent conservation land. In addition, the entire three-quarter-mile frontage on Hunter's Lake will remain undisturbed except for the addition of a small boating dock for use by neighborhood residents.

Of the special features of this property, one of the more noteworthy is the way the Ice Age Trail winds through the center, along a heavily wooded path. When the developer first acquired the property, this trail followed a straight line along the site's eastern boundary, taking hikers on a relatively uninteresting route out in the open and exposed to the hot sun. As part of a 1,000-mile trail system administered by the National Park Service, tracing the southernmost extent

of the last glacier, the developer saw this trail as an added amenity for The Preserve's residents and offered to reroute it to its present location. Past positive experience with another segment of the same trail, in their Hawksnest subdivision in Delafield Township, convinced the Siepmanns of the benefits such a relocation would bring to all parties. Secondary trails connect this main spine with each part of the neighborhood, as they do at Hawksnest.

One of the aspects of this development that struck the author is that its layout so clearly mirrors the "four-step" conservation design approach described and illustrated on pages 65-74 of this book. Examining the final site plan, one can easily see how the initial design impulse was to identify those parts of the property that should be preserved and "designed around." Of the natural areas on this site, the two most significant are the lake edge and the upland woods (see Fig. 7-5a).

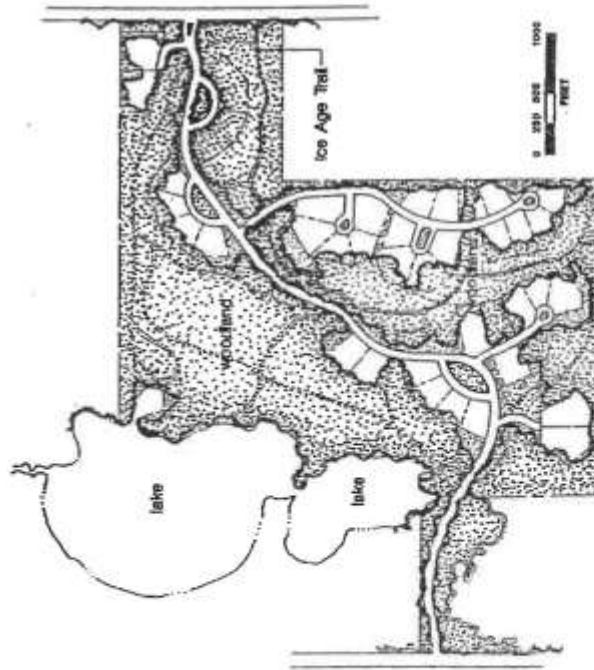


Figure 7-5a. Site plan of the Preserve at Hunter's Lake.



Figure 7-5b. Only two houses in this carefully designed, award-winning subdivision can be seen from the lake itself. A common dock with several canoes belonging to the homeowner association is reached via a neighborhood trail.



Figure 7-5c. This conservation meadow is overlooked by several houses and is traversed by a footpath that connects with the Ice Age Trail, a long-distance trail administered by the National Park Service. The Preserve is an outstanding example of "the golf course development without the golf course," substituting greenways for fairways, and community greens for putting greens.

Although most of the lake margin is low-lying and unsuitable for construction, most developers would have been tempted to create as many lots as possible along the western edge of the uplands and extend their lot lines right down to the water, effectively blocking access by owners of other lots in the neighborhood. In addition to the wet lake edges that would be classified as Primary Conservation Areas under the four-step design approach, the terrestrial woodland habitat represented by the mature stands of oak, maple, and hickory covering about half of the balance of the property would easily qualify as the most logical Secondary Conservation Area that could be identified on the property. Although most developers would perceive these shady wooded locations as ideal places in which to site new houses, the ecologically more sensitive approach of positioning homes on the open fields and former sheep meadows, from which the original forest cover had been cleared many decades before, was selected by the Siepmanns. With the open land identified as Potential Development Areas, the second, third, and fourth steps (siting houses, connecting them with streets and trails, and drawing lot lines) follow easily in logical progression.

This development is also characterized by an unusual level of respect for the site's historic structures, all of which were in poor to extremely poor physical condition at the time of purchase. From smaller elements such as stone walls and a tiny caretaker's cottage to the original farmhouse and barn, careful, sensitive rehabilitation characterized the developer's efforts. The cottage now serves as a community meeting room with a passive outdoor recreation area behind it in the former back yard, while the farmhouse has been sold on its own lot as a residence. The barn, once considered for demolition, was spared when the engineer's initial street alignment was modified to bypass it. The developer feels that the money spent on its repair was recovered through premiums added to the prices of lots within its viewshed. These lots sold extremely quickly because of the historic ambience the barn gave to that part of the neighborhood.

Street design was another carefully considered element at The Preserve, with woodland clearing minimized by constructing streets with curb-and-gutter design in forested areas. More than half the street length is either single-loaded or entirely open on both sides, adding significantly to the rural character of the development. All but two of the lots along the main spine road are situated back behind a crescent-shaped access drive, sometimes called an "eyebrow." The open spaces within those islands, typically approximately an acre, are managed as meadows or woodlands rather than as clipped grass. Three cul-de-sacs terminate in commodious planting islands, into which the developer moved more than 100 existing trees from the street alignment elsewhere on the property. In one case, a cul-de-sac has been modified to become a "loop lane" with a central median running its full length, lending a particularly attractive touch to the four lots it serves. Another aspect of the street alignment is its reverse curves, where segments curving in opposite directions are joined together without the standard straight-line connecting strip required in most ordinances (an inappropriate carryover from highway design standards on which many local street ordinances are based).

Elements such as those described above, as well as the painstaking care with which existing wetland vegetation was removed, held in on-site nurseries, and reestablished around the new stone bridge constructed across Scuppernon Creek, helped the Siepmanns win the coveted *National Wetlands Award for Land Stewardship and Development* from the U.S. Environmental Protection Agency for its superior land plan at The Preserve.

The Meadows at Dolly Gordon Brook

Location: South Side Road, York, Maine

Development Period: 1996-1999

Site Designer: William Anderson, York, Maine

Developer: Duane Jellison

The Meadows at Dolly Gordon Brook is one of a half-dozen subdivisions approved in the last several years by the York Planning Board, working closely with the York Land Trust to ensure that a significant percentage of the development remains as permanent open space. Equally important, this working relationship between the town and the trust has resulted in a high degree of quality control regarding the nature of the land that is to be protected and minimization of adverse environmental impacts on any part of the subdivision (including lands within the "development envelope"). To date, nearly 350 acres of land have been protected in this manner, making the town somewhat of a model for local officials and land trusts in other communities to emulate. It should be added that the cooperative spirit in York has also included many developers, who have recognized the mutual benefits of designing new residential developments with open space that provides an excellent marketing tool.

Of this 79-acre site, all but 24 acres have been permanently protected by a conservation easement. Of the 55 protected acres seven are in a hayfield along South Side Road, creating a foreground meadow that preserves the neighborhood's rural character and shelters homes from the increasing traffic on this major collector (see Fig. 7-6a). Forty-eight acres of forest land are preserved toward the rear of the property, where two tributaries of the York River flow through wet

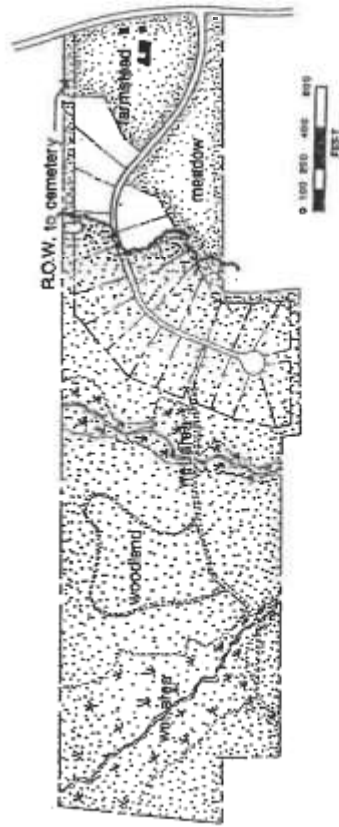


Figure 7-6a. Site plan of the Meadows at Dolly Gordon Brook.

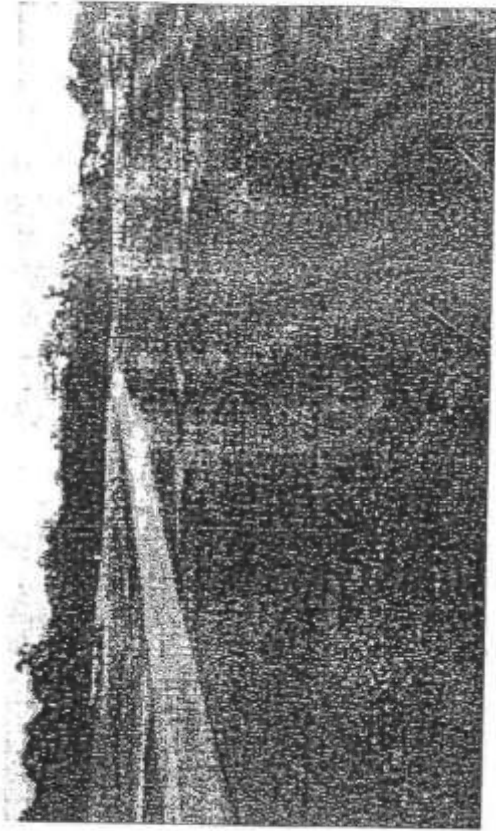


Figure 7-6b. Sweeping views across "foreground meadows" from the entrance street leading into the property, a 700-foot length without homes on either side. This approach protects the town's rural character as seen from South Side Road. Note the absence of curbs and the street's modest 18-foot paved width.

woods. The woodland preservation element of this plan is significant because, under the town's zoning ordinance, developers could also have built on the high ground between the two streams had they desired to do so. If a conventional two-acre lot pattern had been followed, the habitat would have been seriously fragmented and substantially cleared of its large trees. Among the developer's economic reasons for choosing smaller three-quarter-acre lots were to conserve large attractive trees that add value to the entire neighborhood and to minimize the \$9,000 per acre costs of removing and disposing of tree stumps. In this case the developer chose to work closely with the land trust, which was charged by the planning board with advising on the designation and management of the open space and overseeing the cutting of pedestrian trails, which are planned to eventually link up with a wider neighborhood trail network.

Homes at The Meadows range from \$225,000 to \$425,000. These

spacious, custom-designed residences contain up to 3,500 square feet of floorspace and feature two- and three-car garages.

Wastewater from the 24 homes is handled through individual septic systems located on each lot, but the open meadowland provides alternative locations for a community system should that ever become necessary.

A final feature of note is the street design, which begins with a 700-foot length of roadway without any houses as it gently curves with the topography across the front meadow, adding grace and beauty to the neighborhood.

The designated open space is permanently protected through a conservation easement held by the York Land Trust. The participation of the York Land Trust has nearly become a routine part of the subdivision review process in this coastal Maine community, with the planning board frequently inviting the Trust's active participation from the earliest sketch plan stage onward. This arrangement has been mutually beneficial, with the Trust identifying potential conservation areas and trail linkages from the outset, before any layout patterns have begun to solidify. Trust members make it a point to walk the property with applicants and town officials and to see firsthand the resources and conservation opportunities it presents. Its recommendations are taken very seriously by planning board members and therefore also by developers who are anxious to avoid delays—and who also incur the costs of detailed site inventories to determine the areas that should be "designed around" and protected. When developers reject Trust recommendations to reduce certain negative impacts of their layout on natural areas, the Trust has held to its standards and has declined further involvement, highlighting the importance of careful site review and prompting the planning board to consider tightening its ordinance requirements. The Trust frequently accepts easements on subdivision open space and has adopted a set of guidelines (see the accompanying box) that are given to devel-

opers by the town planning staff from the beginning in situations in which applicants are proposing to create conservation areas for subsequent acceptance by the Trust. The town strongly encourages developers to work with the Trust so that the Trust will ultimately accept an easement on the open space, and this system has worked well.

Farmcolony

Location: Parker Mountain, near Stanardsville, Greene County, Virginia

Development Period: 1974–1976

Site Designer: Michael Redd, North Palm Beach, Florida

Developer: Farm Development Corporation

Nesled at the base of the foothills of the Blue Ridge Mountains in Virginia's Greene County, Farmcolony is another excellent example of the four-step approach to subdivision design. From studying the layout, it is apparent that the site designer consciously identified all the parts of the property he wanted to conserve as open space as his first step and then located the houses to take greatest advantage of the views he thus protected. The street alignment is clearly a secondary consideration, a functional ribbon of asphalt simply connecting the houses to the main road that borders the property. And the lot lines are relatively unimportant and could have easily been drawn closer to the houses themselves.

When asked about his layout approach some 20 years after the fact, Michael Redd said that he simply followed his instincts as a site designer, trying to avoid impacting the property's most attractive features that he and his client recognized as a significant potential selling point for the house lots. Although this project was the first of its kind in the county and broke previously uncharted ground in the development business in this part of the state, lots sold very well from the beginning, proving that if one has a good idea one does not need precedents to ensure success.

Of the property's 289 acres, 120 have been permanently conserved

as farmland and about 70 are located in a woodland preserve (see Fig. 7-7a). Most of the farming portion is planted with hay, and the remainder is used as pasturage for cows, calves, sheep, and horses, with a small poultry house supplying residents with fresh eggs. Since its inception, the farming operation has been run by a farm manager hired by the homeowner association. In the early years of the development, the manager was also a local farmer; but for a number of years one of the residents undertook this role, which supplemented his retirement income and provided him with an occupation he enjoyed. He recently retired and the farm is now managed by the homeowner association's board of directors with volunteers helping with the chores. The wooded areas occupy the steeper parts of the site and are threaded with bridle and hiking trails for use by the residents and their neighbors. This land has also been set aside as a bird sanctuary.

Farmcolony was developed in a "density-neutral" manner, meaning that its number of house lots (48) are the same as would result from a conventional plan in this five-acre district, given the terrain and other natural features constraints on the property. As the property is located some 85 miles west of Washington, D.C., few residents



Figure 7-7a. Site plan of Farmcolony.

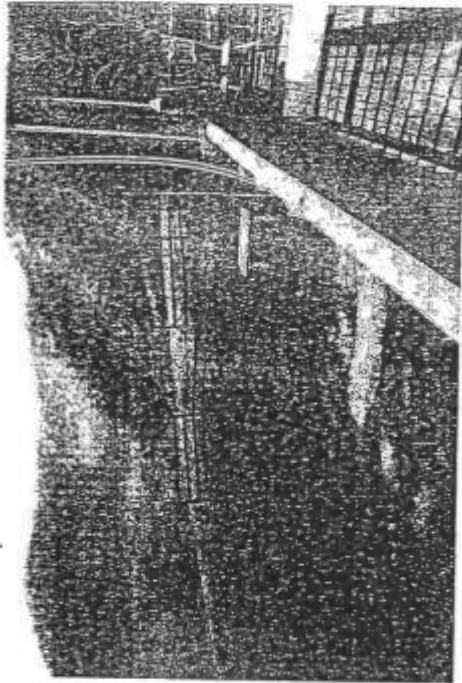


Figure 7-7b. View from the veranda of one of the houses located on a low ridge overlooking the 150 acres of fields and pastures owned in common by the residents and managed jointly for continued livestock and crop production in this award-winning subdivision near Charlottesville, Virginia.



Figure 7-7c. View across pastures and fields back toward the homes (situated on the far ridge near the horizon line), with the original farmhouse in the middle distance. Surrounded by protected conservation land, this structure functions as a community building, with overnight accommodation available for guests of Farmcolony residents.

are regular commuters; Most work in nearby Charlottesville or are empty-nesters looking for a place where they can enjoy the country setting without having to personally maintain or manage rural acreage. The original farmhouse is owned jointly and serves as overnight accommodation for guests of the residents. It also contains a meeting room, an activity room, and a library.

County officials who were initially skeptical of the Farmcolony approach for protecting farmland came to see it in later years as a far more effective method than their zoning's traditional five-acre minimum lot size, which actually destroys the viability of farmland for future production purposes by dividing the resource land into lots that are too big to mow and too small to plough. As word spread about Farmcolony in neighboring counties and states, local officials from as far away as Calvert County, Maryland, came to similar conclusions about the benefits of conservation design, having also come from an initial perspective favoring huge multi-acre house lots. Farmcolony's largest impact might be in its influence on planning practices in other areas experiencing greater growth pressures, such as Calvert County, which liked the idea so much it adopted zoning standards effectively mandating this kind of "rural clustering" in 1993. Since its inception, that ordinance amendment has helped conserve more than 3,000 acres of land in that county, a track record which has in turn begun to influence planning policy in neighboring counties.

Winner of the Culpeper Soil and Water Conservation District's Conservation Award and Virginia's Clean Water Award, Farmcolony was also the recipient of the Governor's Environmental Excellence Award for 1991.

Westwood Common

Location: Village of Beverly Hills, Michigan

Development Period: 1996-1998

Developer: David Jensen, Beverly Hills, Michigan

Site Designer: Gibbs Planning Group, Birmingham, Michigan

This project differs from others featured in this chapter in its more formal site design and layout, demonstrating that the basic principles of conservation design are fully compatible with those of the "New Urbanism." The central green, which covers approximately half an acre, possesses an interesting trapezoidal shape and is bounded by streets on two sides only. On the other two sides, homes front directly onto this open space, separated only by a paved footpath. As all the houses at Westwood Common have rear garages accessed via back lanes or shared drives, this novel design approach is easy to achieve. When one pauses to think about it, there is no reason that streets must run alongside the fronts of all house lots (see Fig. 7-8a).

Fully 70 percent of the property is dedicated as permanent open space, including about 12 acres through which flows a 1,000-foot section of the Rouge River. Although much of that land is either wet or floodprone, this conservation parcel could have easily been divided

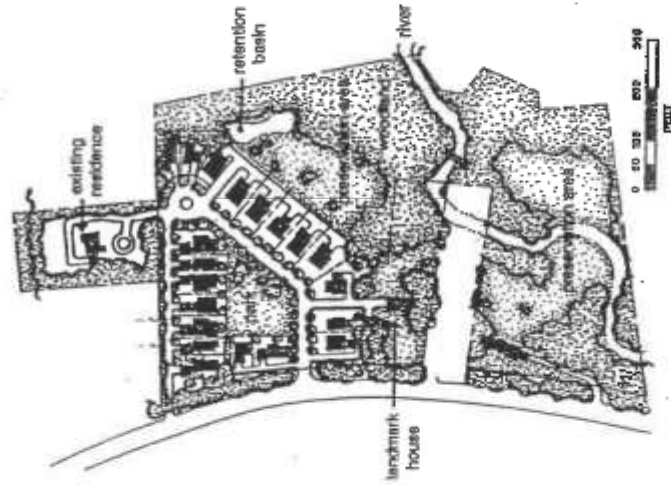


Figure 7-8a. Site plan of Westwood Common.

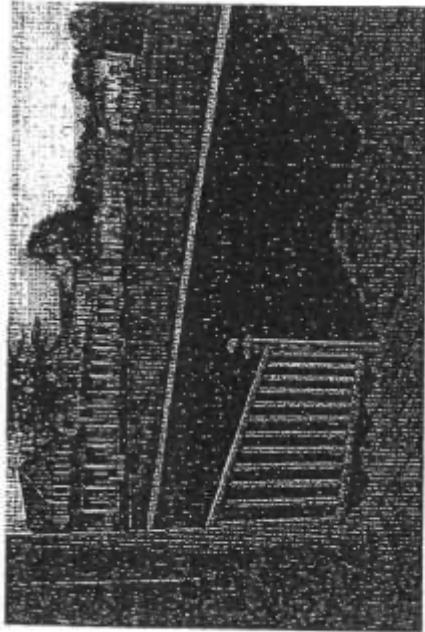


Figure 7-8b. View from the front porch of one of the 12 houses framing the quarter-acre central common.

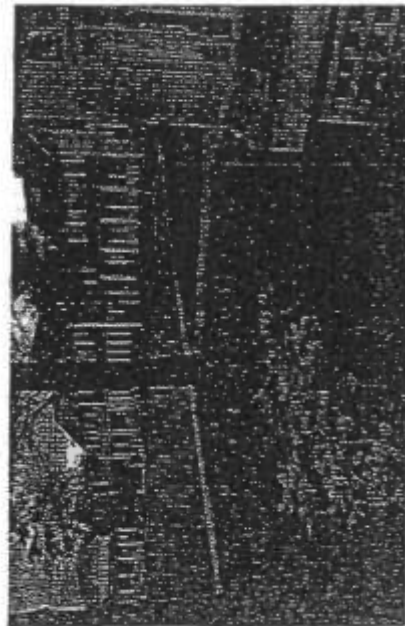


Figure 7-8c. Another view of the common showing the direct relationship between the house lots and this formal open space. These house lots have no street frontage whatsoever and are accessed only by foot from the front, with driveways leading to rear service lanes. Ordinances should therefore eliminate the standard requirement for street frontage in conservation subdivisions, and site designers should take note of this creative approach. The developer, who was initially somewhat skeptical of this arrangement, found that his homes possessed greater "curb appeal" when there was neither a curb nor a street right in front of them.

and added to a number of the abutting house lots, denying the rest of the residents any access to or enjoyment of this special part of the property. Plans for this open space include a wooded walking trail network, meadows for informal ball games, and a gazebo overlooking a pond that will have a fountain during the summer and provide for skating in mid-winter, all of which enhance the quality of life at Westwood Common.

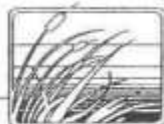
The phenomenal market success of Westwood Common is perhaps the most remarkable part of this story. Despite the fact that prevailing prices in all the surrounding neighborhoods were in the \$150,000 to \$300,000 range, homes at Westwood sold for between \$400,000 and \$600,000. They are, of course, commodious and very nicely appointed (with 2,600 to 3,800 square feet of floor area), but the real key to their salability lies mostly with the masterful site design produced by the Gibbs Planning Group. Here buyers recognized the opportunity to live in a neighborhood that was full of character and brimming with open space, views of which are framed by the windows of 20 of the 23 homes. Nine of the houses feature walk-out basements as well.

Testimony to the value enhancement of the site design is the fact that a preexisting house fronting onto one of the public roads bordering the property rose in value from \$150,000 to \$280,000 after it was incorporated into the new neighborhood through minor alterations to reorient the garage and driveway so they both faced in the opposite direction, toward the new internal subdivision street.

Westwood Common also demonstrates that decisions running counter to prevailing trends and conventional wisdom can pay handsome dividends. This development, which outperformed all other subdivisions in the county, achieved this distinction with lots ranging from 5,000 to 7,000 square feet (40 to 58 feet wide, and 100 to 120 feet deep), essentially one-quarter the usual minimum lot size in the district (25,000 square feet). All homes are served by public water and sewer.

The only homes located on larger lots are the three preexisting

residences, two of which came with substantial acreage, including a historic sandstone house moved to the property many years ago from Grosse Pointe. However, that home in particular has been incorporated into the streetscape and frames the southern edge of the central green.



CONSERVATION SUBDIVISION DESIGN

A Four-Step Process

NATURAL LANDS TRUST, INC.

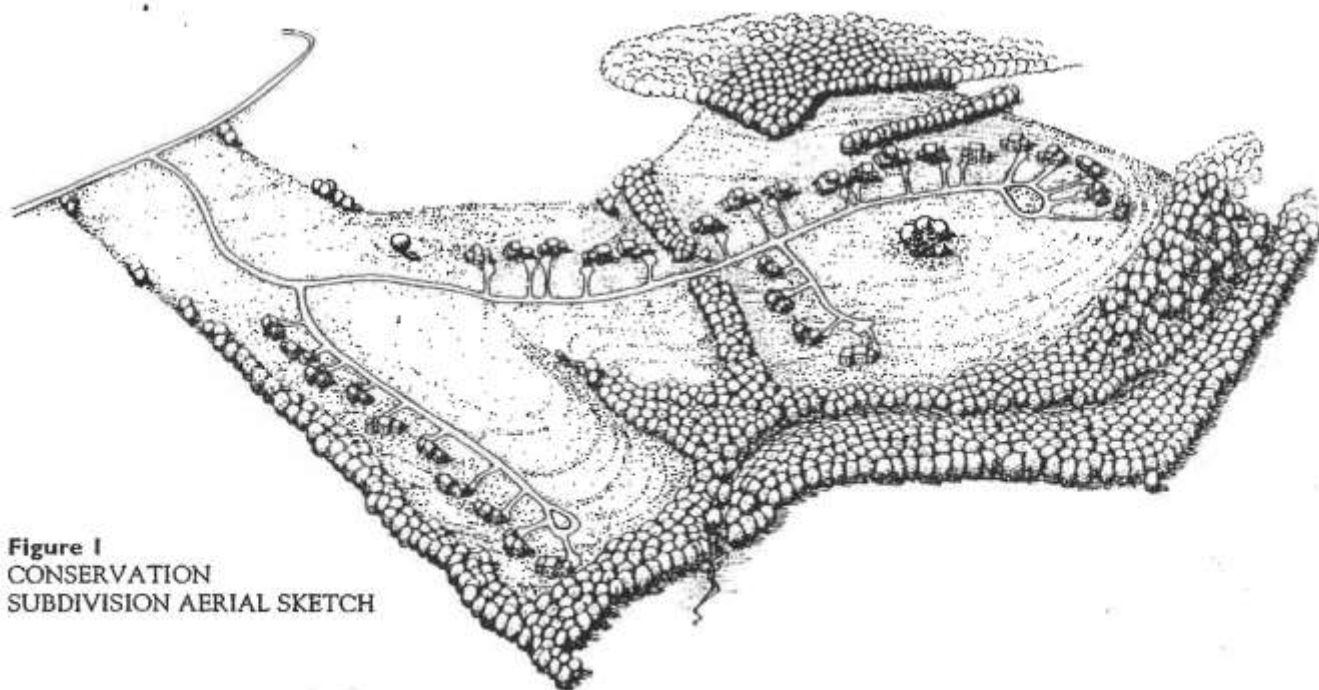


Figure 1
CONSERVATION
SUBDIVISION AERIAL SKETCH

NATURAL LANDS: SPECIAL PLACES IN YOUR COMMUNITY

If you live in a rural area or along the suburban fringe, chances are that you live not far from a stream valley, wildflower meadow, or patch of woods. Chances are also good that none of these special places will be recognizable 20 or 30 years from now, unless they are in a public park, state forest or wildlife refuge, or unless they happen to be protected through a conservation easement held by a conservation organization such as the Natural Lands Trust.

That is because most townships have adopted zoning and subdivision ordinances whose principal purpose is to set rules for the orderly conversion of virtually all land that is dry, flood-free and flat to moderately sloping, into developed properties.

Fortunately, practical alternatives do in fact exist, and this publication describes a straight-forward way to ensure that new subdivisions are designed around the central organizing principle of conservation. This technique can also be used to help communities create an interconnected network of open space through creative approaches to land development.

SPECIAL FEATURES WORTH CONSERVING

The aerial drawing above shows how a partially wooded property could be developed at the full two-acre density allowed under local zoning, following the principles of conservation design. Altogether, two-thirds of this 82-acre parcel could be conserved, including 17 acres of wetlands and steep slopes, and 37 acres of upland without any building constraints.

Although the hedgerows on this site are not visually spectacular, they are capable of providing instant

Working with people to conserve land in our region and our communities

buffering between backyards in addition to their intrinsic habitat value. The species found there along a typical 300-foot length include white ash, cockspur hawthorn, wild crabapple, black cherry, shadblow serviceberry, hackberry and white oak. These trees provide many perching, feeding and nesting opportunities for a variety of arboreal birds such as indigo buntings, tree swallows and bluebirds.

Below them grows a dense thicket of shrubs including black chokeberry, box huckleberry, pin cherry, American hazelnut, viburnum, elderberry and blackberry bramble which, together with a variety of thick meadow grasses, offer excellent cover for meadow voles and other small rodents, providing abundant food sources for foxes and other carnivores.

The little hollow sheltering the spring house where the stream rises is filled with rue anemone, sweet flag, marsh bellflowers, turtlehead, spearmint, milkweed, silky dogwood and summersweet or sweet pepperbush, and the wildflower meadow in the northwest corner of the property is noted for its wild strawberry, sleepy catchfly, tall anemone thimbleweed and broomsedge. These features can also be seen in Figure 2, showing the site in its pre-development state.

Under normal development circumstances, not one of these features would rate highly enough for it to be designed around and saved, or even noted, as local ordinances typically do not address conservation of such natural areas. However, they provide food and shelter for a myriad of birds, small mammals, amphibians and insects. (For example, milkweed is a critical plant in the life cycle of the Monarch butterfly, a species that is currently suffering markedly from the careless destruction of this kind of habitat, which is almost universally being replaced by tidy suburban lawns.)

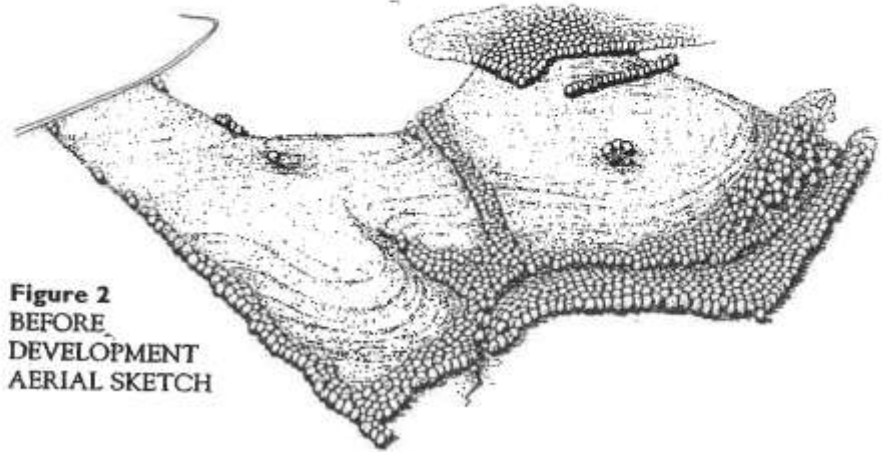


Figure 2
BEFORE
DEVELOPMENT
AERIAL SKETCH

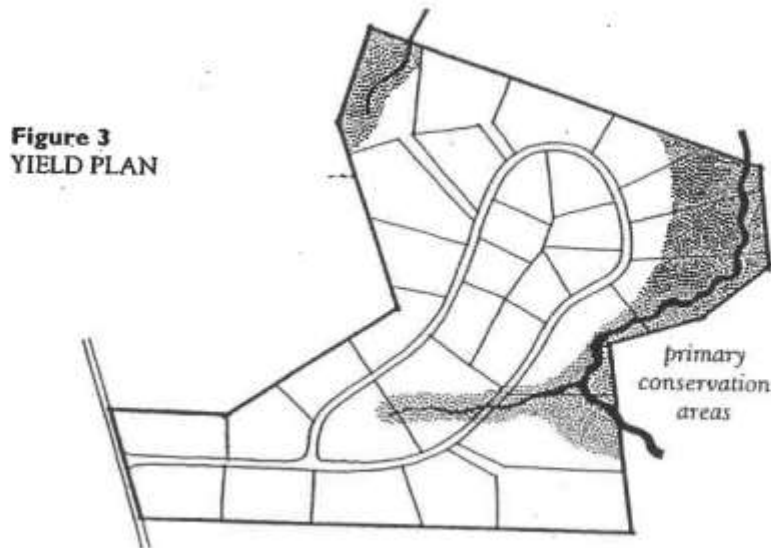


Figure 3
YIELD PLAN



Figure 4
YIELD PLAN
AERIAL SKETCH

CONVENTIONAL SUBDIVISION DESIGN

Figures 3 and 4 illustrate the typical kind of "checkerboard" layout that is permitted (sometimes even required) by local zoning and subdivision ordinances. Conventional developments such as this needlessly displace wildlife habitat and convert other natural areas into ecologically diminished suburban yard space. The same number of houses could just as easily be accommodated onto a smaller portion of the land, not only reducing development costs but also helping to foster a greater sense of community among the new residents by providing them with a more neighborly arrangement of homes. The two-acre lots shown in these drawings are "too large to mow and too small to plow." Meanwhile, many forms of wildlife are driven farther away, and opportunities to take woodland walks or weekend strolls across wildflower meadows simply do not exist, because every acre has been divided into private lawns and yards.

THE CONTEXT

Municipal Planning for Conservation and Development

To broaden land conservation efforts throughout the region, the Natural Lands Trust has for the past three years been working on an approach to revising local zoning and subdivision ordinances that will multiply the options available to landowners, setting higher standards for both the quantity and quality of land that is set aside for permanent conservation.

Network of Conservation Lands

The ultimate goal of these planning efforts is to help communities identify and protect an intercon-

nected network of natural lands woven into the fabric of new development, to assure greener futures for succeeding generations of residents. While traditional conservation methods such as acquisition, easements and "limited development" (involving greatly reduced densities) will continue to play an important role in certain instances, it is likely that the vast majority of undeveloped parcels in our region will ultimately be proposed for full-density residential development in the years to come. It is therefore essential that more conservation-oriented design standards be incorporated into the local land-use ordinances that govern subdivision proposals, so that the majority of new developments will contain a substantial percentage of protected open space.

Municipal Open Space Plans

The site planning principles which the Trust advocates for individual properties that are proposed by their owners for development — principles which are the main subject of this article — are part of a much larger effort to help local officials prepare community-wide open space plans. These plans typically include maps combining a variety of natural resource data with tax parcel boundaries to identify, well in advance of development, broad opportunities for conservation throughout the community.

Ordinance Improvements

After completing these maps and drafting specific planning policies to conserve significant resources, the next step involves helping local officials to update their land-use ordinances. A key provision recommended by the Trust allows municipalities to require that developers take those pre-identified conservation areas into account and design their houselots and streets around them in a respectful manner. In a typical situation, flexible standards for lot size and frontage allow for the

full legal density to be achieved on one-third to one-half of the buildable land, leaving the balance in permanent conservation.

Several townships in our region have also taken the further step of requiring that developers group their homes on half or less of their unconstrained land so that upland terrestrial habitat and other ecologically important areas may be maintained



in their natural state. Current regulations in most municipalities protect only unbuildable areas such as wetlands, floodplains, and steep slopes (the so-called "obligatory open space"). Without open space design standards such as advocated by the Trust, most developers would continue to overlook other important conservation possibilities in their subdivisions, fragmenting many kinds of natural lands into individual houselots, rather than designing around them to create undivided conservation areas managed for long-term resource protection.

The kind of resource fragmentation described above is illustrated in Figures 3 and 4 and in the upper part

of Figure 5, showing a typical large-lot subdivision layout that divides all upland and lowland areas on the subject parcel into a checkerboard of houselots and streets. Houses would, of course, be located away from wetlands, floodplains and steep slopes under most current ordinances, but woodlands and meadows would typically be cut up into indi-

Although lots that abut conservation land typically sell more quickly and at premium prices compared with standard lots surrounded by more of the same, many developers lack experience in designing and marketing this kind of alternative, and therefore tend to continue subdividing in the conventional land-consumptive manner.

vation principles, in accordance with new planning policies and ordinance standards developed by the Trust to help communities implement their visions of a greener future for the generations that will follow our own.

Designing Around Conservation Features: The Four-Step Process

Until now, the zoning regulations in most communities have established a "one size fits all" approach to regulating lot sizes in each of their various districts, essentially creating a single standard size for new houselots which frequently results in "checkerboard" layouts of nearly identical lots covering the entire parcel. This result is illustrated in Figures 3 and 4, which for the purposes of the following example serves one useful purpose — as a "Yield Plan" demonstrating the legal development potential of the site (in this case, 32 lots could be created).

To provide more options for landowners (and developers) who might want to conserve their site's most special features, while at the same time receiving an acceptable economic return on their property, the Trust has drafted model zoning regulations that offer a wide range of density options (from rural estate lots to village designs), each of which is related to specific standards for open space conservation. This approach is known as "multi-tiered zoning."

In addition, our staff has been drafting new standards for designing residential subdivisions and improved procedures for governing the process in which these development proposals are reviewed. The basic idea is to set up an approach in which land conservation becomes the central organizing principle around which houselots and streets are sensitively designed. As a general rule, this approach would conserve at least half the land area of each site, in addition to the wetlands, floodplains and steep slopes that are typically

CONSERVATION SUBDIVISIONS

A new breed of development — known as "conservation subdivisions" — is illustrated in the middle section of Figure 5. In communities where all three controlling documents (the comprehensive plan and the zoning and subdivision ordinances) are coordinated to produce an interconnected network of natural lands — even after the last unprotected property is ultimately developed — subdivisions would typically contain between 50 and 70 percent conservation land. Those areas would be located in broad conformance with a community-wide "Map of Conservation and Development" to ensure that the eased land in each development will connect with similar areas on adjoining parcels.

Conserving a parcel in its entirety — either through fee ownership or holding an easement — as illustrated in the lower example in Figure 5 is, of course, preferable, but may not always be practicable. The Trust's system of preserves is based on this principle, made possible largely through the generosity of conservation-minded landowners and donors. However, neither county open space bond monies, nor funding available from the state's new "Key 93" program, will allow any single municipality to protect more than a handful of properties in this manner. The balance of this article describes a practical approach for designing full-density subdivisions around conser-

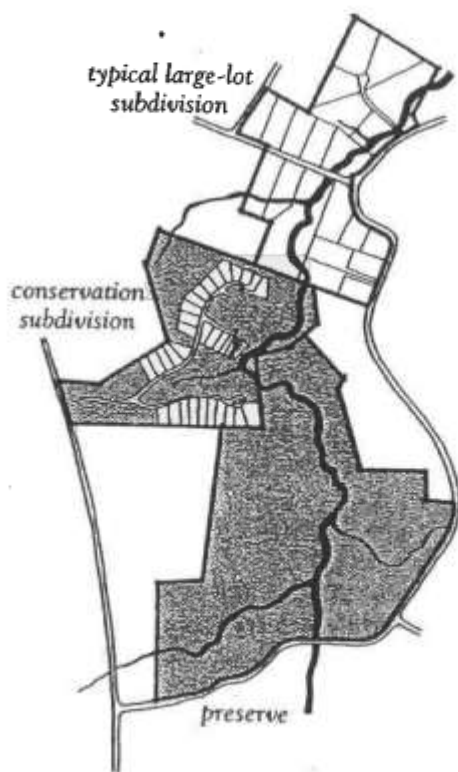


Figure 5
THREE PARCELS ON A
STREAM VALLEY

vidual lots and converted to suburban yardspace, precluding any overall management to enhance wildlife habitat or conserve other resource values.

In the majority of cases where complete protection of the land is not possible, new ordinance standards can be adopted to ensure that developers lay out their houselots and streets around the central organizing principle of open space conservation.

protected under existing codes. This approach has been drafted to work well at both reduced density and full density levels, so that the principle of landowner equity is respected.

Among the procedures recommended by the Trust is the preparation of an "Existing Features and Site Analysis Plan." (In this article these features are all shown on Figures 6 and 7.) This critical element identifies all the special characteristics of the subject property, from unbuildable areas such as wetlands, floodplains and steep slopes, to other kinds of land that are developable but which contain certain features that merit the small amount of additional effort needed for their conservation. Such features might include mature or healthy and diverse woodlands, wildlife habitats critical for breeding or feeding, hedgerows and prime farmland, scenic views into and out of the site, and historic buildings in their rural context.

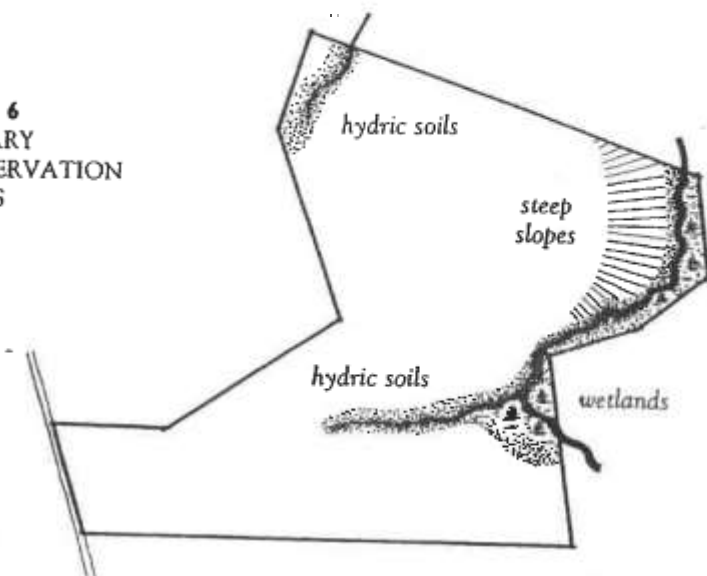
Production of the "Existing Features and Site Analysis Plan" sets the stage for beginning the four-step design process.

**Step One:
Identifying
Conservation Areas**

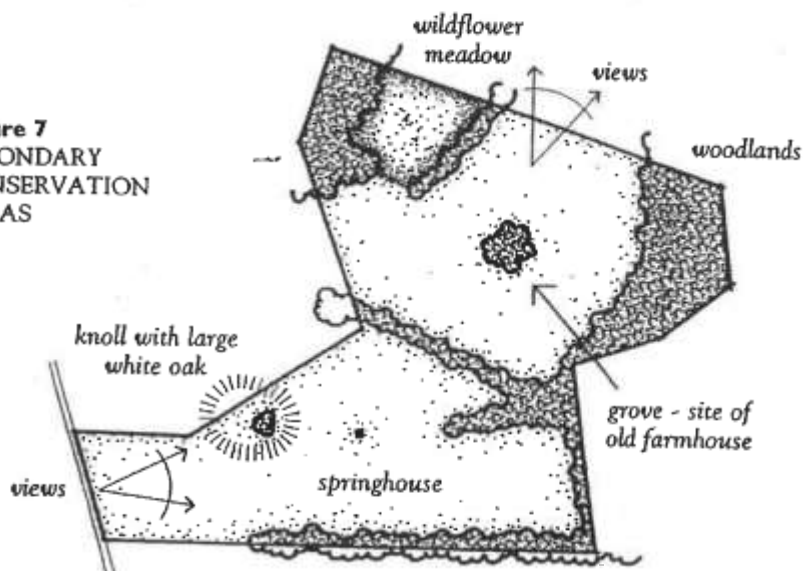
The first step, which involves the identification of open space worthy of preservation, is divided into two parts: Primary Conservation Areas (Figure 6) limited to regulatory wetlands, floodplains and steep slopes, and Secondary Conservation Areas (Figure 7) including those unprotected elements of the natural and cultural landscape that deserve to be spared from clearing, grading, and development.

The act of delineating conservation areas also defines "Potential Development Areas," which occupy the balance of the site (Figure 8). This completes the first step and virtually ensures that the site's fundamental integrity will be protected, regardless of the actual configuration of houselots and streets that

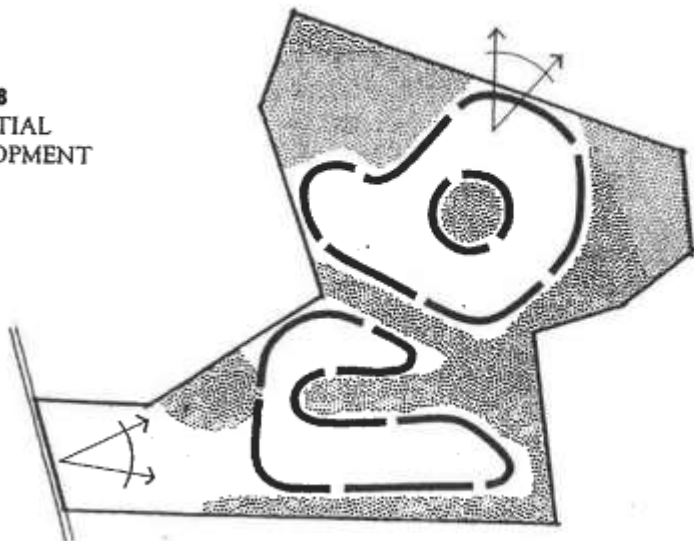
**Figure 6
PRIMARY
CONSERVATION
AREAS**



**Figure 7
SECONDARY
CONSERVATION
AREAS**



**Figure 8
POTENTIAL
DEVELOPMENT
AREAS**



will follow. In other words, once the "big picture" of conservation has been brought into focus, the rest of the design process essentially involves only lesser details. Those details, which are of critical importance to developers, realtors and future residents, are addressed during the last three steps. In Figure 7, those features include hedgerows, wildflower meadows, a large white oak tree, a grove of trees on the site of the original farmhouse and rural roads into the property from the township road.

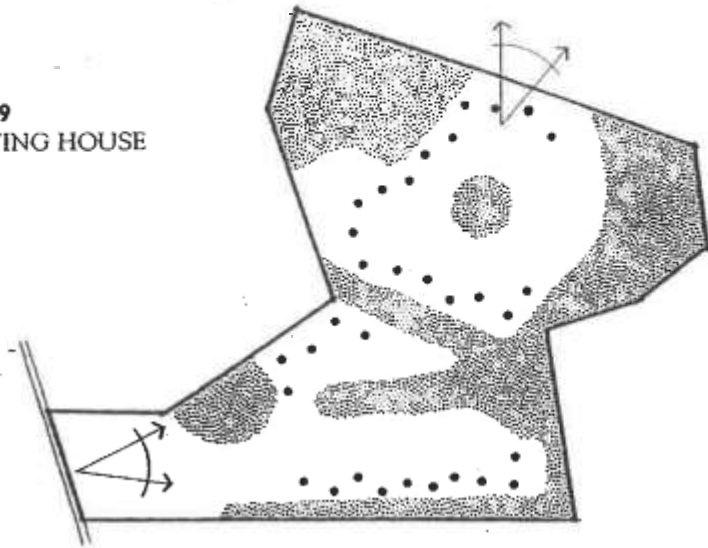
**Step Two:
Locating House Sites**

The second step involves locating the approximate sites of individual houses, which for marketing and quality-of-life reasons should be placed at a respectful proximity to the conservation areas, with homes backing up to woodlands or hedgerows for privacy, fronting onto a central common or wildflower meadow, or enjoying long views across open fields or boggy areas (Figure 9). In a full-density plan, the number of house sites will be the same as that shown on the "Yield Plan" (32 in this example). Other options would include voluntarily reducing that density to create a "limited development" plan, which under certain circumstances might produce the same economic payoff for the landowner.

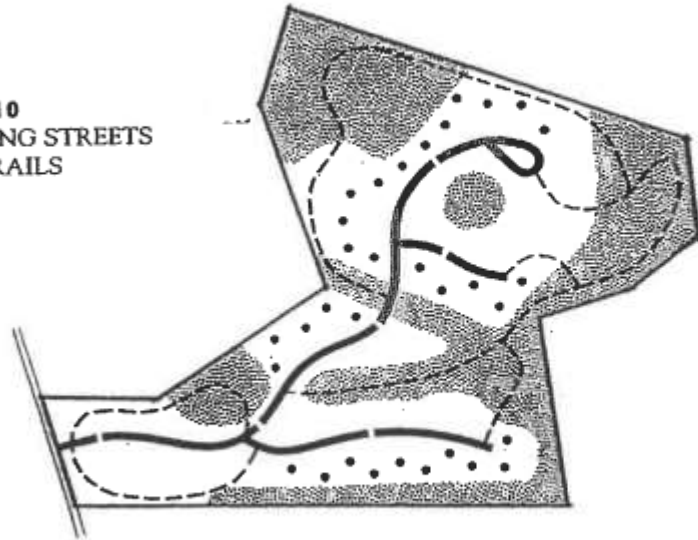
**Step Three:
Aligning Streets and Trails**

The third step consists of tracing a logical alignment for local streets to access the 32 homes and for informal footpaths to connect various parts of the neighborhood, making it easier for residents to enjoy walking through the open space, observing seasonal changes in the landscape and possibly meeting other folks who live at the other end of the subdivision (Figure 10).

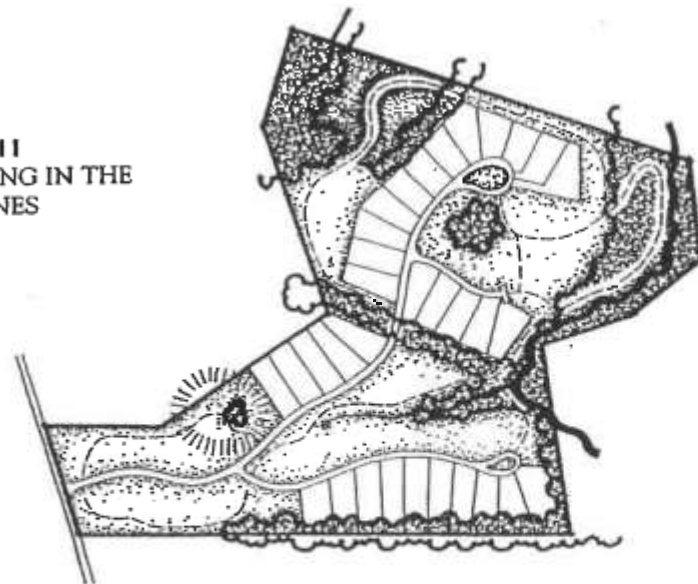
**Figure 9
LOCATING HOUSE SITES**



**Figure 10
ALIGNING STREETS
AND TRAILS**



**Figure 11
DRAWING IN THE
LOT LINES**



Step Four: Drawing in the Lot Lines

The final step is simply a matter of drawing in the lot lines, perhaps the least important part of the process. Successful developers of open space subdivisions know that most buyers prefer homes in attractive park-like settings, and that views of protected open space enable them to sell lots or houses faster and at premium prices (Figures 1 and 11). Such homes also tend to appreciate more in value, compared with those on lots in standard "cookie-cutter" developments offering no views or nearby open space.

SUMMING UP

Advantages for Municipalities, Developers, and Residents

Perhaps the most significant aspect of this design process is the way that it can help communities build an interconnected network of conservation areas. As described at the beginning of this publication, township-wide open space plans, containing "Maps of Conservation and Development", can pre-identify land

to be conserved in each new residential subdivision. Of course, such plans must be supplemented by amendments to zoning and subdivision ordinances to ensure that developers design around the natural features on their property and place them into undivided conservation areas rather than allowing them to be converted to suburban lawns and streets. Conservation planning staff at the Trust have worked with a number of municipalities in our four-county region to implement such improvements and have acted as advisors to many landowners and developers.

These kinds of designs are finding a ready market among homebuyers, who are placing greater emphasis on "quality of life" issues when purchasing new houses. In our area several developers have recognized the value of open space conservation, using it successfully as a marketing tool in some of their recent subdivisions. Long vistas across 137 acres of permanently preserved fields, plus 76 acres of protected woodlands, have helped make one 418-acre subdivision in lower Bucks the fastest selling development in its price range in the County. Similarly, preserva-

tion of nearly half the woodlands at another development in southern Delaware County, has boosted sales to prospective purchasers, each of whom receives a handsome trail brochure when touring the model homes in that project.

Confirming what Trust staff had long suspected, an informal survey by *The Philadelphia Inquirer* has revealed that as many as four out of five house buyers in two new golf course developments in Montgomery County have little or no interest in playing golf. They have chosen homes there primarily because they prefer to dwell in park-like settings, ones that offer attractive views from their windows and pleasant places in which to stroll. Developers find that lots abutting or looking onto open space sell faster — and at premium prices — compared with lots that are surrounded by more of the same. The good news for everyone is that huge sums need no longer be spent clearing natural land to create artificial open space in the form of golf courses. Developers who let Nature alone can reap the same benefits at minimal cost — and with minimal disturbance to woodlands, meadows and fields.



Figure 12

A view across a protected meadow toward a group of new homes built at the edge of the woods. This view, from a township road, typifies the pattern of conservation and development represented by the examples illustrated in Designing Open Space Subdivisions.

TOWARD A NEW LAND ETHIC

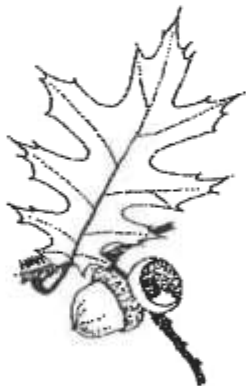
The idea of a "land ethic" represents an evolution from the ancient Judeo-Christian ethics that govern relations among individuals and between individuals and society. Sixty years ago, Aldo Leopold suggested a third kind of ethic to deal with man's relation to the land.

As Leopold, who founded the discipline of game management at the University of Wisconsin, observed in 1933, "There is yet no ethic dealing with man's relation with the land and the animals and plants which grow upon it... The land-relation is still strictly economic, entailing privileges but not obligations."

The idea of a land ethic is probably very much alive in the minds and hearts of many rural residents, including many landowners. What farmer, for example, would truly prefer the noise of traffic or the hum of air conditioners over the sound of bird-song or the rustle of wind through the leaves? Who would prefer to see rooftops defining the horizon line instead of treetops, or parking lots instead of fields and meadows?

In Leopold's time there were few financial alternatives for those who depended upon the value of their land to ease their retirement years, or to pay for health care costs. Today a variety of options exist, allowing landowners to realize the economic value of their farms and woodlands without destroying the wildlife and ecological values of their properties. The 150-page handbook described in this brief publication (*Designing Open Space Subdivisions*) illustrates one of these options, one that could be used along with others to strike a better balance between development and natural areas conservation.

Among those other options are the purchase of development rights, the transfer of development rights, "landowner compacts" involving density shifts among contiguous parcels, bargain sales to land conservancies, and "limited development". Of the entire range of alternatives, it is likely that the approach described in our new handbook offers the greatest potential because it does not require public expenditure, does not depend upon landowner generosity, does not need a special "high end" market, does not involve complicated regulations for transferring rights to other sites and does not depend upon the cooperation of two or more adjoining landowners.



This is not to imply that the other options should not be actively encouraged in your community, but rather to place those techniques in a realistic perspective as supporting elements in an areawide program of conservation and develop-

ment that is most logically based upon the flexibility and advantages offered by "conservation subdivision design", within a comprehensive planning framework as delineated on a township-wide "Map of Conservation and Development".

The great advantage of some of those other options is that many of them preserve parcels in their entirety, although they are implemented less frequently. The great advantage of open space planning and conservation design is that when they are institutionalized into local zoning and subdivision ordinances, they will be used on a day-to-day basis to protect significant percentages of land in each new subdivision that is proposed.

Further information about this approach is contained in the *Natural Lands Trust's publication, Conservation Design for Subdivisions*. Available in April 1996 for \$35.00 from Island Press (1-800-828-1302), this comprehensive 150-page handbook with color plates is written in non-technical language and illustrates each step of the design process for seven different sites. Model ordinance language is also provided in an extensive appendix, which also describes the economic benefits of conserving natural lands in new subdivisions.

Research for the handbook was made possible by grants from the W. Alton Jones Foundation and the U.S. Environmental Protection Agency.



NATURAL
LANDS
TRUST

Natural Lands Trust is a regional land trust dedicated to working with people to conserve land in the Delaware Valley and other nearby areas of environmental concern by acquiring and managing preserve properties, accepting conservation easements, and encouraging and supporting the conservation efforts of landowners, communities, government agencies, and non-profit organizations.

HILDACY FARM
1031 PALMERS MILL ROAD
MEDIA, PENNSYLVANIA 19063
TEL: (610) 353-5587
FAX: (610) 353-0517

**WORCESTER TOWNSHIP
BOARD OF SUPERVISORS**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2006-209

AN ORDINANCE AUTHORIZING THE TOWNSHIP TO ENTER INTO A CABLE FRANCHISE AGREEMENT GRANTING A NON-EXCLUSIVE FRANCHISE TO VERIZON PENNSYLVANIA, INC. AND RATIFYING ALL EXISTING CABLE FRANCHISE AGREEMENTS IN THE TOWNSHIP.

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

SECTION I. Amendment to the Code.

The Code of Worcester Township, Part II, General Legislation is amended as follows:

Chapter 50, Article 1, Cable Franchise Agreements

Section 1. Cable Franchise to Verizon Pennsylvania, Inc.

The Board of Supervisors hereby authorizes execution of a cable franchise agreement with Verizon Pennsylvania, Inc., specifically a contract entitled "Cable Franchise Agreement between Township of Worcester and Verizon Pennsylvania, Inc." ("Verizon Cable Franchise Agreement") granting a non-exclusive franchise to Verizon Pennsylvania, Inc. to construct, install, maintain, extend, and operate a cable communications system in Worcester Township in accordance with the terms of said Verizon Cable Franchise Agreement.

Section 2. Ratification of Existing Cable Franchise Agreements

The Board of Supervisors hereby ratifies all existing cable franchise agreements in Worcester Township, specifically a Franchise Agreement dated October 21, 1998 with Suburban Cable TV Co. Inc. (now Comcast) and a Franchise Agreement dated August 24, 1998 with Adelphia Ultra Com of Montgomery County, Inc. d/b/a Adelphia Cable Communications (now Comcast). The appropriate Township officials are hereby authorized to execute all documents deemed reasonably necessary to carry out the Verizon Cable Franchise Agreement.

SECTION II. Repealer.

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

SECTION III. Severability.

The provisions of this Ordinance are 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.

ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania this 19 day of April, 2006.

WORCESTER TOWNSHIP

By: 

JOHN R. HARRIS, Chairman
Board of Supervisors

Attest: 

ARTHUR C. BUSTARD, Secretary

NOTICE

NOTICE is hereby given that the Board of Supervisors of Worcester Township, at its public meeting on April 19, 2006, 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 "An Ordinance Authorizing the Township To Enter Into a Cable Franchise Agreement Granting a Non-exclusive Franchise to Verizon Pennsylvania, Inc. and Ratifying All Existing Cable Franchise Agreements in the Township", amending the Codified Ordinances of Worcester Township. The Ordinance pertains to a franchise agreement for cable services within the Township and further ratifies all existing franchise agreements within the Township.

Copies of the full text of the proposed ordinance are available for examination during normal business hours without charge 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
JOSEPH M. BAGLEY, ESQUIRE
WISLER, PEARLSTINE, TALONE,
CRAIG, GARRITY & POTASH, LLP
Solicitors for Worcester Township**

**WORCESTER TOWNSHIP
BOARD OF SUPERVISORS**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2006-210

"BUILDING PERMIT PROCEDURES"

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF WORCESTER TOWNSHIP, PART II (GENERAL LEGISLATION) BY ADDING A NEW CHAPTER 51 ENTITLED "BUILDING PERMIT PROCEDURES" SETTING FORTH PROCEDURES FOR BUILDING PERMIT APPLICATIONS INCLUDING SUBMISSION OF PLOT PLAN; SUBMISSION OF FOUNDATION AS-BUILT PLANS; SUBMISSION OF FINAL AS-BUILT PLAN AND TEMPORARY USE AND OCCUPANCY PERMITS.

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

SECTION I. Amendment to the Code.

The Codified Ordinances of Worcester Township, Part II (General Legislation), Chapter 51 entitled "Building Permit Procedures" as follows:

Chapter 51

Building Permit Procedures

Section 51-1 – Building Permit Procedures.

All Building Permits issued by the Township for construction of new buildings shall be subject to the following plan requirements:

A. Plot Plan. Applicant shall submit for approval by the Township Engineer, a proposed survey and on-lot grading plan for each lot or building, certified for accuracy in compliance with the property deed and legal description. After approval, Applicant shall grade each lot or building in compliance with the said Survey and Grading Plan as approved by the Township Engineer. Each Plot Plan shall be submitted to the Township and/or engineer at least ten (10) business days prior to the expected foundation pouring to allow for review and issuance of Zoning/Building Permits.

B. Foundation As-Built Plan. Applicant shall submit to Township or engineer a certified As-Built Plan no later than seven (7) business days after the foundation has been poured and prior to framing of the structure. This plan shall show the foundation elevations plus the location of the foundation as depicted on the Plot Plan and as the foundation relates to all lot lines.

C. Final As-Built Plan. An "As-Built" Survey Plan for each lot or building shall be provided to the Township and certified for accuracy in compliance with the approved Plot Plan prior to the issuance of a Use and Occupancy Permit for each lot or building. A Use and Occupancy Permit shall not be issued until Township determines that construction and on-lot grading has been performed in compliance with the approved Plot Plan and all applicable ordinances, regulations, permits, resolutions and codes of Township, and of any other governmental agencies having jurisdiction thereover.

D. Temporary Use and Occupancy Permits. In situations where all exterior on-lot work cannot be completed because of adverse weather conditions or other compelling circumstances, Temporary Use and Occupancy Permits may be issued for a lot at the sole discretion of Township subject to the following:

- (1) The Temporary Use and Occupancy Permit must be jointly requested by the Developer and the new homeowner.
- (2) The house or structure must be one hundred percent (100%) completed.
- (3) The public street or roadway must be completed at least to base course and must be mud-free and completely passable in a safe manner.
- (4) Curbs must be completed to provide access to the lot.
- (5) All stormwater management structures or facilities associated in any way with drainage expected from the lot must be complete.
- (6) Rough grading of the lot must have been completed and must provide positive drainage away from the structure.
- (7) A Final As-Built Plan showing rough grading and building location must be submitted and approved by Township.
- (8) The driveway serving said house or structure, as applicable, must be completed to the stone base.
- (9) Applicant shall provide Township with a cash escrow or letter of credit, in a form approved by the Township Solicitor, issued by a lending or financial institution

chartered by and authorized to do business in the Commonwealth of Pennsylvania, subject to the prior approval of Township, in the amount of Five Thousand Dollars (\$5,000.00) or other amount as determined by the Township Engineer which shall guarantee the completion of the work and any associated legal and engineering fees required to obtain a final Use and Occupancy Permit for the lot in question. This escrow shall be irrevocable and shall remain valid until all of the aforesaid work shall be completed to the satisfaction of the Township and the final U & O is issued.

- (10) Applicant shall execute the Temporary Use and Occupancy Permit acknowledging and certifying that the incomplete work is its responsibility and not that of the lot owner/purchaser.
- (11) All incomplete work required to obtain a final Use and Occupancy Permit must be completed within the time stipulated on the Temporary Use and Occupancy Permit. In the event the work is not completed within the time stipulated, then, in that event, Applicant shall be deemed in breach and default of this Agreement and Township may, on five (5) days' written notice to Applicant, transmitted by facsimile or other similar electronics means, recognized overnight delivery service, hand delivery or certified mail at Township's option, utilize any of the remedies set forth herein, including revocation of all building and any other permits previously issued and refusal to issue any future building or any other permits until the work required to obtain a final Use and Occupancy Permit is completed to Township's satisfaction.
- (12) Additionally, Township may, at its discretion, apply the cash escrow or letter of credit posted by Applicant for guarantee of completion of the work to complete the work itself with its own personnel or employ other persons and pay the cost incurred by Township including any professional or consultant fees. Application and reduction of monies by Township are not deemed an exclusive remedy and do not constitute a waiver of any other available remedies. Any extension of time to complete the work requested may be granted by the Township Board of Supervisors at their sole discretion. The Township shall not be responsible for any work done by or at the direction of Township which work shall remain the responsibility of Applicant.

SECTION II. Repealer.

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

SECTION III. Severability.

The provisions of this Ordinance are 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.

ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania this 21st day of June, 2006.

WORCESTER TOWNSHIP

By: _____

John R. Harris
John R. Harris, Chairman
Board of Supervisors

Attest: _____

Arthur C. Bustard
Arthur C. Bustard, Secretary

NOTICE

NOTICE is hereby given that the Board of Supervisors of Worcester Township, at its public meeting on Wednesday June 21, 2006, 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 amending the Codified Ordinances of Worcester Township, Part II (General Legislation), by adding a new Chapter 51 entitled "Building Permit Procedures" setting forth procedures for building permit applications including submission of plot plan; submission of foundation as-built plans; submission of final as-built plan and temporary use and occupancy permits.

Copies of the full text of the proposed ordinance are available for examination during normal business hours without charge 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
MARK A. HOSTERMAN, ESQUIRE
WISLER, PEARLSTINE, TALONE,
CRAIG, GARRITY & POTASH, LLP
Solicitors for Worcester Township**

**WORCESTER TOWNSHIP
BOARD OF SUPERVISORS**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2006-211

"STOP SIGN AND 'NO PARKING' ORDINANCE"

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE TOWNSHIP OF WORCESTER, CHAPTER 145 (VEHICLES AND TRAFFIC), ARTICLE III (STOP INTERSECTIONS), SECTION 145-4 (STOP INTERSECTIONS), TO ADD SEVERAL INTERSECTIONS TO THE EXISTING LIST OF INTERSECTIONS WHERE STOP SIGNS ARE REQUIRED AND AMENDING CHAPTER 145 (VEHICLES AND TRAFFIC), ARTICLE II (NO-PARKING ZONES), SECTION 145-2.A BY ADDING THE PORTION OF KRIEBEL MILL ROAD WHICH IS SOUTH OF GERMANTOWN PIKE TO THE EXISTING LIST OF NO PARKING ZONES.

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

SECTION I. Amendment to the Code.

The Codified Ordinances of Worcester Township, Chapter 145 (Vehicles and Traffic), Article III (Stop Intersections), Section 145-4 (Stop Intersections) is hereby amended by adding the following intersections to the existing list of intersections which require a stop sign:

Stop Sign On	Direction of Travel	At Intersection of
Methacton Avenue	West	Adair Drive
Markley Avenue	North	Methacton Avenue
Plumlyn Avenue	North	Methacton Avenue
Hogarth Lane	East	Hollow Road
Crest Terrace	Both approaches	Hickory Hill Drive
Hickory Hill Drive	East	Green Briar Drive
Crest Terrace	East	Green Briar Drive
Shady Lane	East	Oak Terrace
Beyer Road	North	Overhill Drive
Stuart Way	West	Pawlings Ford Road

SECTION II. Amendment to the Code.

The Codified Ordinances of Worcester Township, Chapter 145 (Vehicles and Traffic), Article II (No-Parking Zones), Section 145-2A by adding the following portion of Kriebel Mill Road to the existing list of No Parking Zones:

Street	Location
Kriebel Mill Road	South of Germantown Pike

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 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 19th day of July, 2006.

WORCESTER TOWNSHIP

By: 
JOHN R. HARRIS, Chairman
Board of Supervisors

Attest: 
ARTHUR C. BUSTARD, Secretary

NOTICE

NOTICE is hereby given that the Board of Supervisors of Worcester Township, at its public meeting on July 19, 2006 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 amending the Codified Ordinances of the Township of Worcester, Chapter 145 (Vehicles and Traffic), Article III (Stop Intersections), Section 145-4 (Stop Intersections), to add several intersections to the existing list of stop sign intersections where stop signs are required and Amending Chapter 145 (Vehicles and Traffic), Article II (No-Parking Zones), Section 145-2.A by adding the portion of Kriebel Mill Road which is south of Germantown Pike to the existing list of no parking zones

Copies of the full text of the proposed ordinance are available for examination during normal business hours without charge 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
MARK A. HOSTERMAN, ESQUIRE
WISLER, PEARLSTINE, TALONE,
CRAIG, GARRITY & POTASH, LLP
Solicitors for Worcester Township**

**WORCESTER TOWNSHIP
BOARD OF SUPERVISORS**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2006-212

**"AMENDMENTS TO RURAL PRESERVATION DISTRICT, ACCESSORY USES
AND STRUCTURES AND DOUBLE ACCESS DRIVEWAYS PROVISIONS"**

AN ORDINANCE, AMENDING THE CODIFIED ORDINANCES OF WORCESTER TOWNSHIP, CHAPTER 150 (ZONING), ARTICLE XVI A (RPD RURAL PRESERVATION DISTRICT) SECTION 150-110.5 (DENSITY AND DIMENSIONAL STANDARDS) BY INCREASING MAXIMUM BUILDING COVERAGE FROM 12% TO 16% OF LOT AREA AND INCREASING MAXIMUM IMPERVIOUS COVERAGE FROM 18% TO 25% OF LOT AREA; AMENDING ARTICLE XXIV (GENERAL REGULATIONS), SECTION 150-177 (ACCESSORY USE; ACCESSORY STRUCTURES), BY DELETING THE EXISTING SECTIONS 150-177.B(2) AND 150-177.B(3) IN THEIR ENTIRETY AND REPLACING THEM WITH NEW SECTIONS GOVERNING LOCATION OF ACCESSORY STRUCTURES AND PRIVATE SWIMMING POOLS; AMENDING CHAPTER 130 (SUBDIVISION AND LAND DEVELOPMENT), ARTICLE V (DESIGN STANDARDS), SECTION 130-17 (ALLEYS, DRIVEWAYS AND PARKING AREAS) BY DELETING SECTION 130-17.B(6) WHICH PROHIBIT SINGLE-FAMILY HOMES TO HAVE MORE THAN ONE POINT OF DRIVEWAY ACCESS TO A PUBLIC OR PRIVATE ROAD UNLESS WAIVED BY THE WORCESTER TOWNSHIP BOARD OF SUPERVISORS AND AMENDING CHAPTER 150 (ZONING) ARTICLE XXII (OFF-STREET PARKING AND LOADING) BY ADDING A NEW SECTION 150-155.D (INGRESS AND EGRESS) TO PERMIT DOUBLE ACCESS DRIVEWAYS ONLY AS SPECIAL EXCEPTIONS.

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

SECTION I. Amendment to the Code.

The Codified Ordinances of Worcester Township, Chapter 150 (Zoning), Article XVI A (RPD-Rural Preservation District) is hereby amended by deleting Sections 150-110.5.B(3)(g) and (h) in their entirety and replacing them with new Sections as follows:

Section 150-110.5.B(3)(g): Maximum Building Coverage is 16% of lot area.

Section 150-110.5.B(3)(h): Maximum Impervious Coverage is 25% of lot area.

SECTION II. Amendment to the Code.

The Codified Ordinances of Worcester Township, Chapter 150 (Zoning), Article XXIV (General Regulations), Section 150-177 (Accessory Use; Accessory Structures) is hereby amended by deleting Sections 150-177.B(2) and (3) in their entirety and replacing them with new Sections as follows:

Section 150-177.B(2): All other accessory structures shall be located in the rear yard at least 10 feet behind the closest part of the main building and at least 40 feet from any side or rear property line, with the exception that said distance shall be reduced to 10 feet in R-50, R-75, R-100 and R-150 Residential Districts only.

Section 150-177.B(3): Private swimming pools shall be constructed in accordance with the applicable Township ordinances and shall be located entirely within the building envelope of the lot on which the pool is located, 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. All filters, heaters or any facilities incidental thereto shall also meet the same setback criteria.

SECTION III. Amendment to the Code.

The Codified Ordinances of Worcester Township, Chapter 130 (Subdivision and Land Development), Article V (Design Standards), Section 130-17 (Alleys, Driveways and Parking Areas), Section 130-17.B(6) is hereby amended by deleting the existing section in its entirety and a new Section shall be added to Chapter 150 (Zoning), Article XXII (Off-Street Parking and Loading), Section 150-155 (Ingress and Egress) as follows:

- D. A double access driveway serving a single-family home shall be permitted only as a special exception when the following dimensional criteria are met:

- (1) double access driveways shall be limited to ingress and egress to rural, residential or secondary street classifications which have an ultimate right-of-way of 60 feet or less.
- (2) all double access driveway lots must have a minimum street frontage of 250 feet.
- (3) double access driveway lots shall have a minimum lot size of 80,000 square feet.
- (4) for new building lots, the double access driveways shall be constructed a minimum of 25 feet from the side property lines.
- (5) for an existing lot improved with a house, the new access driveway shall be a minimum of 25 feet from the side property line.

SECTION IV. Repealer.

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

SECTION V. Severability.

The provisions of this Ordinance are 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.

ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania this 20th day of December, 2006.


WORCESTER TOWNSHIP

By:



**John R. Harris, Chairman
Board of Supervisors**

Attest:



Arthur C. Bustard, Secretary

NOTICE

NOTICE is hereby given that the Board of Supervisors of Worcester Township, at its public meeting on December 20, 2006, 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 "Amendments to Rural Preservation District, Accessory Uses and Structures and Double Access Driveways Provisions" amending the Codified Ordinances of Worcester Township, Chapter 150 (Zoning), Article XVI a (RPD Rural Preservation District) Section 150-110.5 (Density and Dimensional Standards) by increasing maximum building coverage from 12% to 16% of lot area and increasing maximum impervious coverage from 18% to 25% of lot area; amending Article XXIV (General Regulations), Section 150-177 (Accessory Use; Accessory Structures), by deleting the existing Sections 150-177.B(2) and 150-177.B(3) in their entirety and replacing them with new sections governing location of accessory structures and private swimming pools; amending Chapter 130 (Subdivision and Land Development), Article V (Design Standards), Section 130-17 (Alleys, Driveways and Parking Areas) by deleting Section 130-17.B(6) which prohibit single-family homes to have more than one point of driveway access to a public or private road unless waived by the Worcester Township Board of Supervisors and amending Chapter 150 (Zoning) Article XXII (Off-Street Parking and Loading) by adding a new Section 150-155.D (Ingress and Egress) to permit double access driveways only as special exceptions.

Copies of the full text of the proposed ordinance are available for examination during normal business hours without charge 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.

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