

**WORCESTER TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 98-161

An ordinance amending the Worcester Township Code to add certain provisions for the enforcement of Township Ordinances in conformity with Act 172 of 1996 and in conformity with the Municipalities Planning Code.

SECTION I. Amendment

1. Chapter 1, Section 1-16, Subsection A. of the Worcester Township Code is hereby amended to insert the following language after the words "\$1000 for each violation":

"...as well as attorney's fees and costs."

and add the following language after the first sentence of subsection A:

"Enforcement shall be by legal action brought by a Township official on behalf of the Township before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. In addition to or instead of enforcement of summary offenses, the Township may also enforce ordinances through an action in equity brought in the Court of Common Pleas."

2. Chapter 1, Section 1-16, Subsection B. of the Worcester Township Code is hereby amended to insert the following language after the first sentence of subsection B after the words "\$600.00 for each violation":

"...as well as attorney's fees and costs."

and add the following language after the first sentence of subsection B:

"Enforcement of ordinances under this subsection shall be by a civil enforcement proceeding initiated by a Township official on behalf of the Township. The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure."

3. The Worcester Township Code is hereby amended to add a new subsection, to Chapter 1, Section 1-16 which provides as follows:

"A separate offense shall arise for each day or portion thereof in which a violation of a Worcester Township Ordinance is found to exist or for each section of a Township Ordinance which is found to have been violated."

4. The Worcester Township Zoning Ordinance, as codified, Section 150-231 is hereby amended in as follows:

the word "knowingly" in the first sentence of the Section is deleted;

the following language in the first sentence of the Section is deleted:

"..., upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than five hundred (\$500.) and not less than fifty dollars (\$50.), plus costs and attorney's fees."

the following language is added to replace the above deleted passage:

"...shall be liable for a judgment of not more than \$500.00 per violation plus all court costs, including reasonable attorney's fees incurred by the Township as a result thereof in a civil enforcement proceeding initiated by a Township official on behalf of the Township before a district justice."

5. Ordinance 151 regarding penalty revisions pursuant to Act 60 of 1995 is hereby repealed.

SECTION II. Disclaimer

Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liabilities incurred, or any permit issued, or any cause or causes of action existing under the Ordinances of the Township prior to the enactment of this Ordinance.

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. Defective 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, Montgomery County, Pennsylvania, this 18th day of February 1998.

WORCESTER TOWNSHIP

BY: John H. Graham
JOHN H. GRAHAM, Chairman
of the Board of Supervisors

ATTEST: Chase E. Kneeland
CHASE E. KNEELAND, Secretary

WORCESTER TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 98-162

AN ORDINANCE AMENDING THE CODE OF WORCESTER TOWNSHIP, CHAPTER 150 (ZONING), ARTICLE II (ESTABLISHMENT OF DISTRICTS) SECTION 150-5(B) TO ENACT A NEW, OFFICIAL ZONING MAP FOR WORCESTER TOWNSHIP ENTITLED THE WORCESTER TOWNSHIP ZONING MAP OF MARCH, 1998 IN ORDER TO CHANGE THE CLASSIFICATION OF A SIGNIFICANT NUMBER OF PROPERTIES AND PORTIONS OF PROPERTIES LOCATED WITHIN THE TOWNSHIP AS PART OF A COMPREHENSIVE ZONING MAP REVIEW AND AMENDMENT. THE NEW, OFFICIAL ZONING MAP FOR WORCESTER TOWNSHIP INCORPORATES SOME 47 SEPARATE CHANGES FROM THE PRIOR OFFICIAL MAP OF SEPTEMBER, 1997. THESE CHANGES ARE INTENDED TO ACCOMPLISH NUMEROUS OBJECTIVES INCLUDING BUT NOT LIMITED TO: CHANGING ZONING DISTRICT BOUNDARIES TO GENERALLY FOLLOW PROPERTY LINES RATHER THAN ARBITRARY DISTANCES FROM PUBLIC ROADS; CHANGES TO MAKE LARGE GROUPS OF NON-CONFORMING LOTS CONFORM TO THE MINIMUM LOT SIZE OF A DIFFERENT DISTRICT SO THAT SUCH LOTS THEN BECOME CONFORMING; AND CHANGES TO ELIMINATE SMALL AREAS WHERE THE EXISTING ZONING DESIGNATION IS DISSIMILAR FROM SURROUNDING ZONING DESIGNATIONS FOR NO PRESENTLY SATISFACTORY REASON.

The Board of Supervisors of Worcester Township hereby adopts an Ordinance amending the Worcester Township Code, Chapter 150 (Zoning) as follows:

SECTION 1. AMENDMENT.

Section 150-5(B) of the Worcester Township Zoning Ordinance shall be amended so that the official Worcester Township "Zoning Map" referenced in Article II, Section 150-5(B) shall hereinafter refer to the "Zoning Map of Worcester Township, Montgomery County, Pennsylvania of March, 1998", a true and correct copy of which is attached hereto as Exhibit "A" and expressly incorporated herein and made a part hereof.

SECTION 2. REPEALER.

The Worcester Board of Supervisors, by virtue of this Ordinance, hereby repeals all other portions of any prior Ordinances or Resolutions of the Township insofar as they are inconsistent with this Ordinance.

SECTION 3. DISCLAIMER.

Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liabilities incurred, or any permit issued, or any cause or causes of action existing under the Ordinances of the Township of Worcester prior to enactment of this Ordinance.

SECTION 4. 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 if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 5. 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 6. EFFECTIVE DATE.

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

WORCESTER TOWNSHIP

ATTEST:

B. Calozzo

BY:

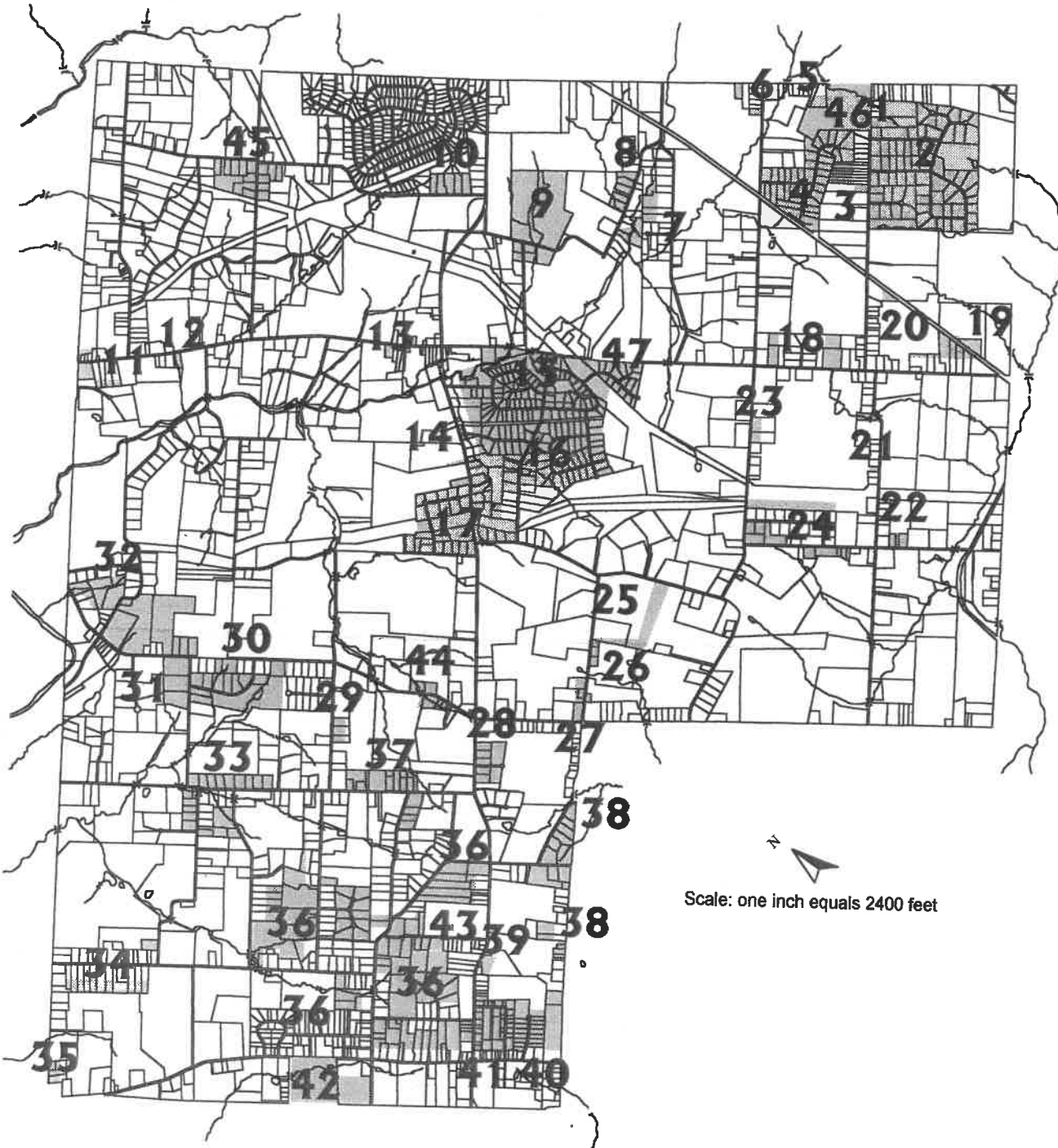
John H. Graham
JOHN H. GRAHAM, CHAIRMAN

Notarial Seal
Barbara S. Calozzo, Notary Public
Worcester Twp., Montgomery County
My Commission Expires Oct. 30, 200

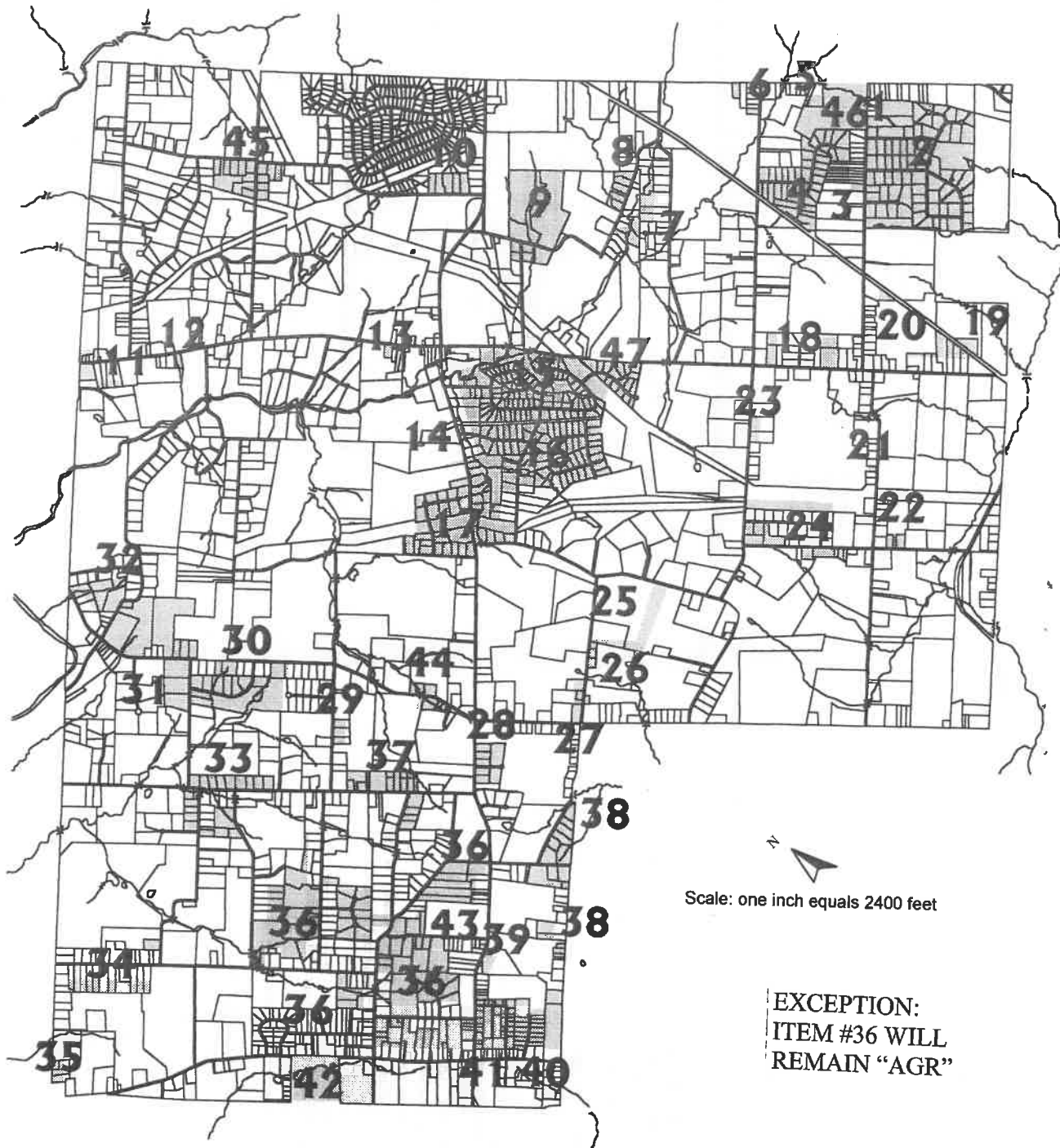
ATTEST:

Chase E. Kneeland
CHASE E. KNEELAND,

Worcester Township Proposed Zoning Changes



Worcester Township Proposed Zoning Changes



EXCEPTION:
ITEM #36 WILL
REMAIN "AGR"

DESCRIPTION OF PROPOSED CHANGES

Existing Zoning #	Proposed Zoning #	Reason for the Change
1 R100 + AGR	R175	Follow property lines and avoid spot.
2 AGR	R175	Make existing lots conform.
3 R100	R100	Follow property lines.
4 R-AG175 + R175	R150	Make existing lots conform.
5 AGR	R100	Follow property lines.
6 I	R100	Make lots and use conform.
7 AGR	R175	Follow property lines.
8 AGR	R175	Make existing lots conform.
9 R175	AGR	Follow comprehensive plan.
10 AGR	R175	Make existing lots conform.
11 R100	AGR	Follow property lines.
12 AGR	R100	Make existing lot conform.
13 AGR	R100	Make existing lot conform.
14 AGR	C	Extend to property line.
15 AGR	R75	Make existing lots conform.
16 R175	R150	Make existing lots conform.
17 AGR	R175	Make existing lots conform.
18 AGR	R175	Follow property lines and make lots conform.
19 AGR	R50	Remove spot.
20 AGR	R175	Follow property lines.
21 AGR	R175	Make existing lot conform.
22 AGR	R175	Make existing lots conform.
23 R175	AGR	Follow property lines.
24 AGR + R175	AGR + R175	Follow property lines and streets.
25 AGR	I	Follow property lines.
26 R175	AGR	Remove inappropriate spot.
27 R175	AGR	Follow streets and property lines.
28 R175-B	R175	Remove redundant zoning district.
29 R175	AGR	Remove inappropriate spot.
30 R-AG175 + AGR	R175	Remove redundant zoning district and make lots conform.
31 R-AG175 + AGR	R175	Remove redundant zoning district and connect zoning.
32 AGR	R175	Follow property lines.
33 AGR	R175	Make existing lots conform.
34 AGR + R175	R175 + AGR	Follow property lines and match lot with zoning.
35 R175	AGR	Remove inappropriate spot.
36 AGR	R175	Make lots conform and connect zoning.
37 AGR	R175	Make existing lots conform.
38 AGR	R175	Follow property lines, make lots conform, and connect zoning.
39 R100	AGR	Follow property lines.
40 R125	R100	Eliminate redundant zoning district.
41 R100	R75	Make existing lots conform.
42 R150	R50	Consolidate high density zoning into one district.
43 R100	R175	Match lot with zoning.
44 R100	AGR	Remove inappropriate spot.
45 AGR	R175	Make existing group of lots conform.
46 R150	R50	Consolidate high density zoning into one district.
47 AGR	R100	Make existing lots conform.

PROPOSED ZONING CHANGES

Over the past few years, Worcester Township has been updating its land use regulatory tools, including the township's zoning ordinance, comprehensive plan, and open space plan. As part of this effort, the township also proposes to update its zoning map. The current zoning map has a number of problems. First, the map is difficult to read. Second, the boundaries of zoning districts are not clearly defined. Third, the zoning boundaries do not always make sense, from both a practical and legal perspective.

This last problem has led the township to not only clarify the zoning map but also to change some of the zoning district boundaries. New zoning district boundaries are generally intended to follow property lines, to make large groups of non-conforming lots conform to the minimum lot size, and/or to avoid potential spot zoning problems. No zoning map changes have been proposed that alter the general character of the township or cause significant changes in any one area.

The basic characteristics of the township's existing and proposed zoning are outlined below. Areas where the zoning boundaries are proposed to be changed are shown on the map on the following two pages. The actual proposed zoning change and the reason for the change are listed in the table after the map.

ZONING CHARACTERISTICS

District	Use	Minimum Lot Size	Changes under Proposed Zoning
AGR	Single-family	80,000 square feet	Same under new zoning.
R-AG-175	Single-family	60,000 square feet	Replaced by R-175 under new zoning.
R-175	Single-family	60,000 square feet	Same under new zoning.
R-175-B	Single-family	60,000 square feet	Replaced by R-175 under new zoning.
R-150	Single and multi-family	50,000 square feet	Multi-family option deleted.
R-125	Single-family	40,000 square feet	Deleted from new zoning.
R-100	Single-family	30,000 square feet	Same under new zoning.
R-75	Single-family	20,000 square feet	Same under new zoning.
R-AG-200	Single-family	11,000 square feet	Same under new zoning.
R-50	Multi-family	Not applicable	Same under new zoning.
RO	Offices	30,000 square feet	Same under new zoning.
C	Commercial	25,000 square feet	Same under new zoning.
I	Industrial	10 acres	Same under new zoning.
SC	Shopping Center	5 acres	Same under new zoning.
MH	Mobile homes	5,000 square feet	Same under new zoning.

**WORCESTER TOWNSHIP
BOARD OF SUPERVISORS**

MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 98-163

ORDINANCE AMENDING THE WORCESTER ZONING CODE BY DELETING CERTAIN PROVISIONS OF THE ZONING CODE TO CONFORM WITH THE NEW WORCESTER TOWNSHIP ZONING MAP. SPECIFICALLY, THE R-175-B DISTRICT AND THE R-125 DISTRICT ARE DELETED. IN ADDITION, LEGISLATIVE INTENT PROVISIONS ARE ADDED TO THE AGR DISTRICT; THE R-175 DISTRICT; THE R-150 DISTRICT; THE R-100 DISTRICT; THE R-75 DISTRICT; THE MR DISTRICT; THE RO DISTRICT; THE R-50 DISTRICT; THE C COMMERCIAL DISTRICT; THE SC SHOPPING CENTER DISTRICT; AND THE LI LIMITED INDUSTRIAL DISTRICT.

The Board of Supervisors of Worcester Township hereby adopt an ordinance amending the Zoning Code of Worcester Township as follows:

SECTION I.

Section 150-10 of the AGR District is hereby deleted and replaced with the following:

Section 150-10. Legislative Intent

In expansion of the legislative intent and community development objectives contained in Article I, Sections 150-2 and 150-3, of this chapter and in support of the goals and recommendations of the Worcester Township Comprehensive Plan, it is the intent of this Article to:

- A. Preserve agricultural land and non-growth areas of Worcester.
- B. Allow agricultural, institutional, and low-density single-family detached development to coexist in a manner that limits the impact of each use on the other.
- C. Buffer low-density residential development from agricultural uses and existing roads.

- D. Limit the adverse environmental impacts of development on the Township's steep slopes, floodplains, streams, wetlands, woodlands, riparian corridors, and groundwater.
- E. Preserve the Township's historic rural character and heritage.

SECTION II.

Section 150-18 of the R-AG-200 District is hereby amended by adding the following sentence to the end of this section:

In addition, it is the intent of this district to allow medium-density housing in portions of the Township that are appropriate for this density of housing, given the location of growth areas, sewer lines, water line, major roads, commercial cores, and Township uses.

SECTION III.

Section 150-34 of the R-175 District is hereby deleted and replaced with the following:

Section 150-34. Legislative Intent

In expansion of the legislative intent and community development objectives contained in Article I, Sections 150-2 and 150-3 of this chapter, and in support of the goals and recommendations of the Worcester Township Comprehensive Plan, is the intent of this Article to:

- A. Allow existing residential lots in the Township's rural areas to conform to zoning.
- B. Buffer low-density residential development from agricultural uses and existing roads.
- C. Limit the adverse environmental impacts of development on the Township's steep slopes, floodplains, streams, wetlands, riparian corridors, and groundwater.
- D. Preserve the Township's historic rural character and heritage.

SECTION IV.

Article VIII, the R-175-B District, in its entirety.

SECTION V.

Section 150-50 of the R-150 District is hereby deleted and replace with the following:

Section 150-50. Legislative Intent

In expansion of the legislative intent and community development objectives contained in Article I, Sections 150-2 and 150-3, of this chapter and in support of the goals and recommendations of the Worcester Township Comprehensive Plan, it is the intent of this Article to:

- A. Allow existing residential lots in the township's rural areas to conform to zoning.
- B. Maintain the character of existing residential neighborhoods.
- C. Limit the adverse environmental impacts of development on the township's steep slopes, floodplains, streams, wetlands, woodlands, riparian corridors, and groundwater.
- D. Preserve the township's character.

SECTION VI.

Section 150-51.C is hereby deleted and Sections 150-51.D through F are relettered as 150-51.C through E.

SECTION VII.

Renumber Section 150-57.F as Section 150-108.G.

SECTION VIII.

Article X, the R-125 District, is hereby deleted in its entirety.

SECTION IX.

Section 150-66 of the R-100 District is hereby deleted and replaced with the following:

Section 150-66. Legislative Intent

In expansion of the legislative intent and community development objectives contained in Article I, Sections 150-2 and 150.3, of this chapter and in support of the goals and recommendations of the Worcester Township Comprehensive Plan, it is the intent of this Article to:

- A. Allow existing residential lots in the township's villages to conform to zoning.
- B. Maintain the existing character of the residential portions of the township's villages.
- C. Provide medium-density housing in portions of the township that are appropriate for this density of housing, given the location of growth areas, sewer lines, water lines, major roads, commercial cores, and township uses.
- D. Provide a transition from higher-density areas to lower density areas.
- E. Meet the housing needs of the township's residents by providing a variety of lots sizes for single-family detached development.
- F. Preserve the township's historic character.

SECTION X.

Section 150-74 of the R-75 District is hereby deleted and replaced with the following:

Section 150-74. Legislative Intent

In expansion of the legislative intent and community development objectives contained in Article I, Sections 150-2 and 150-3, of this chapter and in support of the goals and recommendations of the Worcester Township Comprehensive Plan, it is the intent of this Article to:

- A. Provide medium-density housing in portions of the township that are appropriate for this density of housing, given the location of growth areas, sewer lines, water lines, major roads, commercial cores, and township uses.
- B. Meet the housing needs of the township's residents by providing a variety of lots sizes for single-family detached development.
- C. Protect privacy and provide light and air by requiring an adequate lot size and yard dimensions.

- D. Provide a transition from higher-intensity or density areas to lower density areas.

SECTION XI.

Section 150-82 of the MR District is hereby deleted and replaced with the following:

Section 150-82. Legislative Intent

In expansion of the legislative intent and community development objectives contained in Article I, Sections 150-2 and 150-3, of this chapter and in support of the goals and recommendations to the Worcester Township Comprehensive Plan, it is the intent of this Article to:

- A. Provide high-density housing in portions of the township that are appropriate for this density of housing, given the location of growth areas, sewer lines, water lines, major roads, commercial cores, and township uses.
- B. Allow a variety of housing types which can meet the needs of residents with different incomes, housing preferences, family sizes, and ages.
- C. Protect the character of existing development in the township by requiring buffering and adequate building setbacks.
- D. Provide light air, and green space within higher density developments by regulating lot coverage and building setbacks.

SECTION XII.

Section 150-90 of the RO District is hereby deleted and replaced with the following:

Section 150-90. Legislative Intent

In expansion of the legislative intent and community development objectives contained in Article I, Section 150-2 and 150-3, of this chapter and in support of the goals and of the Worcester Township Comprehensive Plan, it is the intent of this Article to:

- A. Allow office uses within a village setting as a transition from major roads to existing residences.
- B. Limit the impact of non-residential development on residences by regulating the intensity and location of development.

SECTION XIII.

Section 150-106 of the R-50 District is hereby deleted and replaced with the following:

Section 150-106. Legislative Intent

In expansion of the legislative intent and community development objectives contained Article I, Sections 150-2 and 150-3. of this chapter and in support of the goals and recommendations of the Worcester Township Comprehensive Plan, it is the intent of this Article to:

- A. Provide high-density housing, including mobile home parks, in portions of the township that are appropriate for this type and density of housing, given the location of growth areas, sewer lines, water lines, major roads, commercial cores, and township uses.
- B. Allow a variety of housing types, including mobile home parks, which can meet the needs of residents with different incomes, housing preferences, family sizes, and ages.
- C. Protect the character of existing development in the township by requiring buffering and adequate building setbacks.
- D. Provide light, air, and green space within higher density developments by regulating lot coverage and provide coverage and building setbacks.

SECTION XIV.

Section 150-107.B(1) is hereby amended by changing the reference from Article VIII to Article VII.

SECTION XV.

Section 150-107.C is hereby amended by changing the reference from section 150-57.F to 150-108.

SECTION XVI.

Section 150-111 of the C Commercial District and replace with the following:

Section 150.111. Legislative Intent.

In expansion of the legislative intent and community development objectives contained in Article I, Sections 150-2 and 150-3, of this chapter and in support of the goals and recommendations of the Worcester Township Comprehensive Plan, it is the intent of this Article to:

- A. Allow retail commercial uses, including auto-oriented uses, that will meet the local, neighborhood shopping needs of the township's residents.
- B. Limit the potential adverse effect of commercial development on abutting properties, the township's character, and the township's roads by controlling the location and nature of commercial development.

SECTION XVII.

Section 150-119 of the SC Shopping Center District is hereby deleted and replaced with the following:

Section 150-119. Legislative Intent

In expansion of the legislative intent and community development objectives contained in Article I, Sections 150-2 and 150-3, of this chapter and in support of the goals and recommendations of the Worcester Township Comprehensive Plan, it is the intent of this Article to:

- A. Allow retail commercial uses that will meet the local neighborhood shopping needs of the township's residents.
- B. Limit the potential adverse effect of commercial development on abutting properties, the township's character, and the township's roads by controlling the location and nature of commercial development.
- C. Encourage well-designed, planned shopping areas for the township.

SECTION XVIII.

Section 150-127 of the LI Limited Industrial District is hereby deleted and replaced with the following:

Section 150-127. Legislative Intent

- A. Permit a range of manufacturing and other industrial uses.

- B. Provide local job opportunities for township residents.
- C. Limit the potential adverse effect of industrial development on abutting properties, the township's character, and the township's roads by controlling the location and nature of industrial development.

SECTION XIX - DISCLAIMER

Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liabilities incurred, or any permit issued; or any cause or causes of action existing under the Ordinances of the Township prior to the enactment of this Ordinance.

SECTION XX - 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 XXI - 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 XXII - 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, Montgomery
County, Pennsylvania, this 20th day of May, 1998.

WORCESTER TOWNSHIP

BY: *John H. Graham*
JOHN H. GRAHAM, Chairman
of the Board of Supervisors

ATTEST: *Chase E. Kneeland*
CHASE E. KNEELAND, Secretary

WORCESTER TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 98- 164

AN ORDINANCE AMENDING WORCESTER TOWNSHIP ZONING CODE ARTICLE IV (AGR-AGRICULTURAL DISTRICT), SECTIONS 150-14 AND 150-17, BY ADDING ADDITIONAL REGULATIONS FOR RESIDENTIAL LIFE CARE FACILITIES.

The Board of Supervisors of Worcester Township hereby adopts an Ordinance amending Article IV (AGR-Agricultural District) as follows:

SECTION I. Amendment to Code

Section 150-14 is hereby amended to include language at the very beginning of the Section that shall read as follows:

Section 150-14. Coverage Regulations

Except as set forth in Section 150-17(F) below, coverage regulations in the AGR-Agricultural District shall be as follows:

* * * *

SECTION II. Amendment to Code

Section 150-17 is amended by adding a new subsection 150-17(F) as follows:

Section 150-17. Special Requirements

* * * *

F. Additional Regulations for Residential Life Care Facilities.

Notwithstanding anything else in this Article to the contrary, residential life care facilities shall comply with the following additional regulations:

- (1) Building coverage shall not exceed 15%.
- (2) Impervious coverage shall not exceed 30%.
- (3) Site density shall not exceed 3.3 dwelling units per developable acre assuming that every two beds in personal care, skilled nursing or other non-independent living arrangements on the site shall constitute one dwelling unit.

SECTION III. Repealer

The Worcester Township Board of Supervisors, by virtue of this Ordinance, hereby repeals all other Ordinances or Resolutions of the Township insofar as they are inconsistent with this Ordinance.

SECTION IV. Disclaimer

Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liabilities incurred, or any permit issued, or any cause or causes of action existing under the Ordinances of the Township of Worcester prior to the enactment of this Ordinance.

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 this Board that this Ordinance would have still 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 law.

ORDAINED AND ENACTED by the Board of Supervisors of the Township of Worcester, Montgomery County, Pennsylvania, this 17th day of June , 1998.

WORCESTER TOWNSHIP

Attest: Chase E. Kneeland By: John H. Graham
Chase E. Kneeland, John H. Graham, Chairman
Secretary Board of Supervisors

WORCESTER TOWNSHIP BOARD OF SUPERVISORS

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 98-165

AN ORDINANCE AMENDING SCHEDULE 1 OF ORDINANCE NO. 122 OF WORCESTER TOWNSHIP (AN ORDINANCE ESTABLISHING SPEED RESTRICTIONS GENERALLY THROUGHOUT WORCESTER TOWNSHIP AND ESTABLISHING SPECIFIC SPEED LIMITS ON HEEBNER ROAD, SHEFLEY LANE, CLYSTON ROAD, GRIFFITH ROAD, ADAIR DRIVE, METHACTON AVENUE AND BERKS ROAD) TO INCLUDE A MAXIMUM SPEED LIMIT FOR LANDIS ROAD (35 MILES PER HOUR, WITH A SHORT SEGMENT BEING POSTED AT 25 MILES PER HOUR, DUE TO VERTICAL AND HORIZONTAL GRADE CHANGES).

The Board of Supervisors of Worcester Township does hereby enact and ordain:

SECTION I - Amendment to Schedule I of Ordinance No. 122.

Schedule I of the Worcester Township Ordinance No. 122 - Establishing specific speed limits on Heebner Road, Shefley Lane, Clyston Road, Griffith, Adair Drive, Methacton Avenue and Berks Road is hereby amended to read as follows:

MAXIMUM SPEED LIMITS

<u>Name of Street</u>	<u>Speed Limit</u>	<u>Location</u>
Heebner Road	35 mph	Entire length
Shefley Lane	25 mph	Entire length
Clyston Road	25 mph	Entire length
Griffith Road	35 mph	Entire length
Adair Drive	25 mph	Entire length
Methacton Avenue	30 mph	Entire length
Berks Road	40 mph	Entire length
Landis Road	35 mph and 25 mph	35 mph for entire length except section several hundred feet either side of the bridge over the creek due to abrupt vertical and horizontal grade changes

SECTION II - DISCLAIMER

Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liabilities incurred, or any permit issued, or any cause or causes of action existing under the Ordinances of the Township prior to the enactment of this Ordinance.

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, Montgomery
County, Pennsylvania, this 15th day of July, 1998.

WORCESTER TOWNSHIP

BY: *John H. Graham*
JOHN H. GRAHAM, Chairman
of the Board of Supervisors

ATTEST: *Chase E. Kneeland*
CHASE E. KNEELAND, Secretary

WORCESTER TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 98-166

AN ORDINANCE AMENDING THE WORCESTER TOWNSHIP ZONING ORDINANCE AND THE WORCESTER TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE BY ADDING A DEFINITION OF STEEP SLOPE AREA TO THE ZONING ORDINANCE (DEFINED AS AREA WITH SLOPES OF 10% OR GREATER); BY ADDING REGULATIONS FOR THE TYPES OF DEVELOPMENT WHICH ARE PERMITTED AND PROHIBITED WITHIN STEEP SLOPE AREAS AS WELL AS STANDARDS FOR PROTECTION OF STEEP SLOPE AREAS DURING PERMITTED CONSTRUCTION OR GRADING; BY ADDING REGULATIONS LIMITING THE EXTENT TO WHICH STEEP SLOPE AREAS CAN BE INCLUDED WITHIN LOT AREA CALCULATIONS UNDER THE ZONING ORDINANCE; BY ADDING SIMILAR STEEP SLOPE REGULATIONS TO THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE; BY ADDING A DEFINITION OF WETLANDS TO THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AND ADDING DESIGN STANDARDS FOR DEVELOPMENT IN AND NEAR WETLANDS TO THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE; BY ADDING A NEW "RIPARIAN CORRIDOR CONSERVATION DISTRICT" TO THE ZONING ORDINANCE ALONG WITH REGULATIONS CONTROLLING THE ESTABLISHMENT AND WIDTH DETERMINATION OF A RIPARIAN CORRIDOR CONSERVATION DISTRICT, THE USES PERMITTED IN A RIPARIAN CORRIDOR CONSERVATION DISTRICT (BY RIGHT AND BY CONDITIONAL USE), THE USES PROHIBITED IN A RIPARIAN CORRIDOR CONSERVATION DISTRICT, REGULATIONS GOVERNING BOUNDARY INTERPRETATION AND AN APPEALS PROCEDURE; REGULATIONS PERMITTING INSPECTION OF THE RIPARIAN CORRIDOR CONSERVATION DISTRICT AT SUCH TIME AS ANY PROPOSED DEVELOPMENT OR REGRADING WITHIN THE DISTRICT IS PLANNED; ADDING REGULATIONS FOR THE MANAGEMENT AND RESTORATION OF THE RIPARIAN CORRIDOR CONSERVATION DISTRICT; AND PROVIDING A SPECIFIC LISTING OF PLANTS, SHRUBS AND TREES APPROPRIATE FOR RESTORATION PLANTING WITHIN A RIPARIAN CORRIDOR CONSERVATION DISTRICT AREA.

The Board of Supervisors of Worcester Township does hereby enact and ordain the following:

SECTION 1. Amendment. Amend section 130-6, Definitions, of Article II of the Subdivision and Land Development Ordinance by adding the following new definitions:

BIOTECHNICAL SLOPE PROTECTION - Stabilization of slopes by mechanical elements and structures in combination with plant material to arrest and prevent slope failures, movement of soil, and erosion.

STEEP SLOPE AREA - An area with slopes of 10% or greater.

SECTION 2. Amendment. Amend Article V, Design Standards, of the Subdivision and Land Development Ordinance by adding the following new section:

Section 130-32.1: Steep Slopes.

A. Areas with slopes of 10% to less than 18% shall meet the following requirements:

- (1) All development shall be laid out in such a manner as to avoid or minimize development on or regrading of areas with slopes of 10% to less than 18%.

- (2) It shall be incumbent on the applicant to show that areas with slopes of 10% to less than 18% have been avoided to the greatest extent possible. If requested by the township, the applicant shall produce evidence such as written documents or plans certified by a registered engineer or other qualified professional showing that no alternative layouts are possible that would reduce the amount of steep slopes that need to be regraded.
- (3) When regrading is necessary on areas with slopes of 10% to less than 18%, the slopes shall be protected in accordance with slope protection standards outlined below in section 130-32.1.C.

B. Areas with slopes of 18% or greater shall meet the following requirements:

- (1) All structures, buildings, parking areas, regraded slopes, and substantial improvements (with the exception of driveway and utility crossings when no other location is feasible) are prohibited on slopes of 18% or greater.
- (2) When regrading is necessary for driveway and utility crossings, the slopes shall be protected in accordance with slope protection standards outlined below in section 130-32.1.C.

C. Slope Protection Standards

- (1) Regrading in steep slope areas shall be minimized to the greatest extent possible.
- (2) Existing landscaping on steep slope areas shall be preserved, except where regrading is proposed.
- (3) Regrading or earthmoving on steep slopes shall not result in earth cuts or fills whose highest vertical dimension exceeds 10 feet.
- (4) Finished slopes of all cuts and fills shall not exceed 3: 1. Slopes steeper than 3:1 and retaining walls are not permitted unless the applicant can demonstrate that steeper slopes or retaining walls can be stabilized and maintained adequately and that they more effectively preserve the landscape in its scenic and/or natural state.
- (5) Regraded areas within steep slopes shall be protected using generally accepted biotechnical slope protection techniques.

SECTION 3. Amendment. Amend section 130-33.C(3)(b) of the Subdivision and Land Development Ordinance by deleting the last sentence and replacing with the following:

Steep slopes, those of ten (10) percent or greater, as delineated in USGS 7.5 minute quadrangles, the SCS Soil Survey of Montgomery County, or determined through on-site measurement, shall be divided into two categories, areas Path slopes of 10% to less than 18% and areas with slopes of 18% and more, and each category of steep slopes shall be plotted.

SECTION 4. Amendment. Amend section 150-9. Definitions, of Article III of the Zoning Ordinance by adding the following, new definition:

STEEP SLOPE AREA - An area with slopes of 10% or greater.

SECTION 5. Amendment. Amend section 150-9, the LOT AREA CALCULATION DEFINITION, of Article III of the Zoning Ordinance by adding the following new subsection:

- D. All of steep slope areas with a slope of eighteen percent (18%) or more, and half of steep slope areas with a slope of ten percent (10%) to less than eighteen percent (18%).

SECTION 6. Amendment. Amend the Zoning Ordinance by adding the following new article:

ARTICLE XX-A
SS - Steep Slope Conservation District

Section 150-146.1. Legislative Intent. In expansion of the Statement of Community Development Objectives in Article I, Section 150-3 of this Ordinance, it is the intent of this Article to:

- A. Conserve and protect steep slope areas from inappropriate development and excessive grading.
- B. Minimize stormwater runoff, accelerated soil erosion, and resultant stream siltation which may create a danger to life and/or property.
- C. Protect the township from inappropriate development of steep slope areas which may cause a subsequent expenditure for public works and disaster relief, thus affecting the economic well being of the township and its residents.
- D. Restrict sedimentation and the alteration of natural drainage patterns, which may aggravate flooding both in the immediate area and in downstream areas.
- E. Protect residents from property damage and personal injury due to runoff, erosion, and landslides.

Section 150-146.2. Overlay Concept. The SS Steep Slope Conservation District is an overlay of all other zoning districts within Worcester Township and applies to all steep slope areas within these zoning districts.

Section 150-146.3. Determination of Steep Slope Areas

- A. Slopes of 10% or greater shall be considered steep slopes.
- B. Steep slopes shall be determined by one of the following methods:
 - (1) On-site measurement of slopes by registered professional engineers, surveyors, or landscape architects, using accepted engineering practices.

- (2) Use of maps prepared by the Soil Conservation Service, United States Department of Agriculture, found in the *Soil Survey of Montgomery County, 1967*.
 - (3) Use of United States Geological Survey 7.5 Minute Quadrangles.
- C. The Township Board of Supervisors, in consultation with the township engineer, shall make the final determination of where steep slopes exist on a site. Any party that disagrees with the township's determination of the location of steep slopes may appeal this decision to the Worcester Township Zoning Hearing Board.

Section 150-146.4. Steep Slope Regulations

- A. Areas with slopes of 10% to less than 18% shall meet the following requirements:
- (1) All development shall be laid out in such a manner as to avoid or minimize development on or regrading of areas with slopes of 10% to less than 18%.
 - (2) It shall be incumbent on the applicant to show that areas with slopes of 10% to less than 18% have been avoided to the greatest extent possible. If requested by the township, the applicant shall produce evidence such as written documents or plans certified by a registered engineer or other qualified professional showing that no alternative layout would reduce the amount of steep slopes that need to be regraded.
 - (3) When regrading is necessary on areas with slopes from 10% to less than 18%, the slopes shall be protected in accordance with slope protection standards in the township's Subdivision and Land Development Ordinance.
- B. Areas with slopes of 18% or greater shall meet the following requirements:
- (1) All structures, buildings, parking areas, regraded slopes, and substantial improvements (with the exception of driveway and utility crossings when no other location is feasible) are prohibited on slopes of 18% or greater.
 - (2) When regrading is necessary for driveway and utility crossings on areas with slopes of 18% or greater, the slopes shall be protected in accordance with slope protection standards in the township's Subdivision and Land Development Ordinance.

SECTION 7. Amendment. Amend section 130-6, Definitions, of Article 11 of the Subdivision and Land Development Ordinance by adding the following new definition:

WETLANDS - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

SECTION 8. Amendment. Amend Article V, Design Standards, of the Subdivision and Land Development Ordinance by adding the following new section.

Section 130-32.2. Wetlands.

- A. Existing wetlands on a site shall fall into two classifications: wetlands that will be filled, as permitted by state and federal regulations, and unfilled wetlands.
- B. Compliance with Federal and State Wetlands Regulations. For proposed uses, activities, or improvements which would entail the regrading or placement of fill in wetlands, the applicant shall provide the township with proof that the proposed plan complies with the Pennsylvania Department of Environmental Protection (Bureau of Dams and Waterway Management) and the U.S. Army Corp of Engineers regulations for areas identified as wetlands. If permits are required by the PADEP or USACE, copies of the approved permits must be supplied to the township before final plan approval.
- C. The following requirements apply to remaining unfilled wetlands:
 - (1) Buildings, parking lots, and other structures, except fences, shall be set back at least 25 feet from unfilled wetlands.
 - (2) Vegetation in unfilled wetlands shall remain undisturbed and left in its natural state, except as noted below:
 - (a) Corridor crossings by farm vehicles and livestock, recreational trails, roads, railroads, centralized sewer and/or water lines, and public transmission lines shall be permitted to disturb existing vegetation, provided such crossings comply with state and/or federal regulations.
 - (b) Selective removal of extremely high economic value trees shall be permitted provided each tree that is removed is replaced with a canopy tree selected from the list in section 130-28 of the subdivision and land development ordinance.
 - (c) Limited thinning and pruning of landscaping shall be permitted in order to remove or repair dead, diseased, or damaged trees and in order to improve overcrowded conditions.
 - (d) Construction of fences is permitted.

SECTION 9. Amendment. Amend section 150-9, Definitions, of Article III of the Zoning Ordinance by adding the following new definition:

WETLANDS - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

SECTION 10. Amendment. Amend section 150-9, the LOT AREA CALCULATION definition, by adding the following new sentence to subsection A:

Any area within twenty-five (25) feet of unfilled wetlands.

SECTION 11. Amendment. Amend Article XXIV, General Provisions, by adding the following new section:

Section 150-204.1. Wetlands.

- A. Wetlands shall not be filled or regraded, except as permitted by state and federal wetlands regulations.
- B. Buildings, parking lots, and other structures, except fences, shall be set back at least 25 feet from wetlands.
- C. Wetlands shall remain undisturbed, except for the following activities, which are permitted by conditional use:
 - (1) Corridor crossings by farm vehicles and livestock, recreational trails, roads, railroads, centralized sewer and/or water lines, and public transmission lines, provided such crossings comply with state and/or federal regulations.
 - (2) Selective removal of extremely high economic value trees provided each tree that is removed is replaced with a canopy tree selected from the list in the subdivision and land development ordinance.
 - (3) Limited thinning and pruning of landscaping in order to remove or repair dead, diseased, or damaged trees and in order to improve overcrowded conditions.
 - (4) Construction of fences.

SECTION 12. Amendment. Amend the Worcester Township Zoning Ordinance by adding a new Article XXA - Riparian Corridor Conservation District as follows:

**ARTICLE XXA
RIPARIAN CORRIDOR CONSERVATION DISTRICT**

Section 150-146.1. Legislative Intent.

In expansion of the legislative intent contained in Article I, Section 150-2, and the community development objectives contained in Article I, Section 150-3, of this chapter and in support of the goals and recommendations of the Worcester Township Comprehensive Plan, it is the intent of this Article to provide reasonable controls governing the restoration, conservation, disturbance, and management of existing riparian corridors by establishing designated Riparian Corridor Conservation Districts ("District"). In addition, the specific purposes and intent of this article are to:

- A. Reduce the amount of nutrients, sediment, organic matter, pesticides, and other harmful substances that reach watercourses, wetlands, subsurface, and surface water bodies by using scientifically proven processes including filtration, deposition, absorption, adsorption, plant uptake, and denitrification, and by improving infiltration, encouraging sheet flow, and stabilizing-concentrated flows.
- B. Improve and maintain the safety, reliability, and adequacy of the water supply for domestic, agricultural, commercial, industrial, and recreational uses along with sustaining diverse populations of aquatic flora and fauna.
- C. Regulate the land use, siting, and engineering of all development to be consistent with the intent and objectives of this ordinance, accepted conservation practices, and to work within the carrying capacity of existing natural resources.
- D. Assist in the implementation of pertinent state laws concerning erosion and sediment control practices, specifically Erosion Control, of the Pennsylvania Clean Streams Law, Act 394, P.L. 1987, Chapter 102 of the Administrative Code (as amended October 10, 1980 Act 157 P.L.), Title 25, and any subsequent amendments thereto, as administered by the Pennsylvania Department of Environmental Protection and the Montgomery County Conservation District.
- E. Conserve the natural features important to land or water resources (e.g., headwater areas, groundwater recharge zones, floodway, floodplain, springs, streams, wetlands, woodlands, prime wildlife habitats) and other features constituting high recreational value or containing amenities that exist on developed and undeveloped land.
- F. Work with floodplain and other ordinances that regulate environmentally sensitive areas to minimize hazards to life, property, and riparian features.
- G. Conserve natural, scenic, and recreation areas within and adjacent to riparian areas for the community's benefit.

Section 150-146.2. Establishment and Width Determination of the Riparian Corridor Conservation District

A. Establishment.

- (1) The Riparian Corridor Conservation District applies to land adjacent to an identified waterway in Worcester Township. The following watercourses or water bodies shall be considered an identified waterway in Worcester Township:
 - (a) Perennial streams, as identified in the most recent Soil Survey of Montgomery County, as prepared by the Soil Conservation Service, United States Department of Agriculture.

- (b) Streams which are bordered by the following alluvial soils, as identified in the most recent Soil Survey of Montgomery County, prepared by the Soil Conservation Service, United States Department of Agriculture:

Bm	-	Bermudian silt loam
Bo	-	Boundary alluvial soil
Bp	-	Bowmansville silt loam
Ch	-	Codorus silt loam
Ha	-	Hatboro silt loam
Rt	-	Rowland silt loam
Ru	-	Rowland silt loam, coal overwash

- (c) Streams which are bordered by the following local alluvium soils, as identified in the most recent Soil Survey of Montgomery County, prepared by the Soil Conservation Service, United States Department of Agriculture, provided the local alluvium soil is connected to an alluvial soil listed above in section 150-146.A(1)(b):

BrA	-	Bowmansville loam; local alluvium (0% to 3% slope)
BrB	-	Bowmansville loam; local alluvium (3% to 8% slope)
RwA	-	Rowland silt loam; local alluvium (0% to 3% slope)
RwB	-	Rowland silt loam; local alluvium (3% to 8% slope)

- (d) Lakes and ponds which have a surface area of 10,000 square feet or more.

- (2) The Riparian Corridor Conservation Overlay District shall extend a minimum of 75 feet from the defined edge of an identified waterway at bankfull flow, or shall equal the extent of the 100 year floodplain, whichever is greater. The District will consist of two distinct zones designated as:

- (a) **Zone One:** This zone shall begin at each edge of an identified waterway (which can include ponds and intermittent watercourses) and shall occupy a margin of land with a minimum width of 25 feet measured horizontally on a line perpendicular to the edge of water at bankfull flow. The width of Zone One may be required to extend beyond the minimum 25 feet depending upon existing topography, woodlands, and other natural conditions. This determination will be made by the township Board of Supervisors or its appointed representative. In addition:

[1] Where steep slopes (slopes of 25 percent or more) are located within 25 feet of an identified waterway, Zone One shall extend the entire distance of the steep slope area. If the distance of this steep slope area is greater than 75 feet, there will be no requirement for the establishment of Zone Two. If the distance is less than 75 feet, the width of Zone Two shall be adjusted so that the total corridor width (Zone One and Zone Two) will be 75 feet maximum, except as noted below in section 150-146.2.A(2)(b)[1]

- (b) **Zone Two:** This zone will begin at the outer edge of Zone One and shall occupy a minimum width of 50 feet in addition to Zone One, up to a maximum combined width in zones one and two of 75 feet, except:

[1] Where the 100-year floodplain extends greater than 75 feet from the waterway, Zone One shall remain a minimum of 25 feet wide, and Zone Two shall extend from the outer edge of Zone One to the outer edge of the 100-year floodplain.

B. Width Determination. The developer, applicant, or designated representative shall be responsible for the initial width determination of the riparian corridor and identifying this area on any plan that is submitted to Worcester for subdivision, land development, or other improvements that require plan submissions or permits. This initial determination shall be subject to review and approval by the township Board of Supervisors, in consultation with the township engineer.

Section 150-146.3. Uses Permitted in the Riparian Corridor Conservation District
The following uses are permitted, either by right or as a conditional use in the Riparian Corridor Conservation District. However, within any corridor, no construction, development, use, activity, or encroachment shall be permitted unless the activity will be mitigated by measures described in the Corridor Management Plan required by section 150-146.8 of this ordinance.

A. Zone One

(1) Uses Permitted by Right

Open space uses that are primarily passive in character shall be permitted to extend into the area defined as Zone One, including:

- (a) Wildlife sanctuaries, nature preserves, forest preserves, fishing areas, passive areas of public and private parklands, and reforestation in compliance with the guidelines of the Corridor Management Plan.
- (b) Streambank stabilization in compliance with the guidelines of the Corridor Management Plan.
- (c) Maintenance of riparian Woodlands through the removal of invasive vines, bushes, and trees, the cleaning out of trash, the correction of soil erosion problems, the planting of plants selected from the riparian corridor plant list in section 130-28 of the Subdivision and Land Development Ordinance, and the proper care of riparian plants.

(2) Uses Permitted by Conditional Use

- (a) Corridor crossings by recreational trails, roads, railroads, centralized sewer and/or water lines, public utility transmission lines, and farm vehicles and livestock with necessary fencing, provided that any disturbance is offset by corridor improvements identified in the Corridor Management Plan.
- (b) Selection cutting of extremely high economic value trees when the land will be reforested and removal is consistent with approved standards in the Corridor Management Plan.

B. Zone Two

(1) Uses Permitted By Right.

The following uses which are primarily passive in character, shall be permitted by right to extend into the area defined as Zone Two:

- (a) Open space uses including wildlife sanctuaries, nature preserves, forest preserves, passive areas of public and private parklands, and recreational trails conducted in compliance with methods prescribed by Chapter 102 of Title 25 of the Pennsylvania Administrative Code.
- (b) Reforestation in compliance with the guidelines of the Corridor Management Plan.
- (c) Minimum required front, side, and rear yards on private lots.
- (d) Agricultural uses, existing at the time of adoption of this ordinance, so long, as they are conducted in compliance with methods prescribed by Chapter 102 of Title 25 of the Pennsylvania Administrative Code.
- (e) Fencing.
- (f) Maintenance of riparian woodlands through the removal of invasive vines, bushes, and trees, the cleaning out of trash, the correction of soil erosion problems, the planting of plants selected from the riparian corridor plant list in section 130-28 of the Subdivision and Land Development Ordinance, and the proper care of riparian plants.

(2) Uses Permitted by Conditional Use.

- (a) New agricultural uses, in compliance with methods prescribed by Chapter 102.4(b) of Title 25 of the Pennsylvania Administrative Code.
- (b) Corridor crossings by roads, railroads, centralized sewer and/or water lines, public utility transmission lines, and farm vehicles and livestock with necessary fencing, provided that any disturbance is, at a minimum, offset by corridor improvements identified in the Corridor Management Plan.
- (c) Centralized sewer and/or water lines and public utility transmission lines running along the corridor, provided that any disturbance is, at a minimum, offset by corridor improvements identified in the Corridor Management Plan. These lines shall be located as far from Zone One as practical.
- (d) Selection cutting of trees when the land will be reforested and removal is consistent with approved standards in the Corridor Management Plan.
- (e) Passive use areas such as camps, campgrounds, picnic areas, and golf courses. Active recreation areas such as ballfields, playgrounds, and courts provided these uses are designed in a manner that will not permit concentrated stormwater flow.

- (f) Naturalized stormwater basins in compliance with the guidelines in the Corridor Management Plan. The entire basin shall be located a minimum of 25 feet from the defined edge of identified waterways.

Section 150-146.4. Uses Specifically Prohibited in the Riparian Corridor District

Any use or activity not authorized within Section 150-146.3 shall be prohibited within the Riparian Corridor Conservation District. By way of example, the following activities and facilities are specifically prohibited:

- A. Buildings and any other type of permanent structure, except structures specifically permitted in Section 150-146.3.
- B. Roads or driveways, except where permitted as corridor crossings in compliance with Sections 150-146.3.A(2)(a) or 150-146.3.B(2)(b).
- C. Motor or wheeled vehicle traffic in any area not specifically permitted by Sections 150-146.3.A(2)(a) or 150-146.3.B(2)(b).
- D. Parking lots.
- E. Clear-cutting of trees and other vegetation.
- F. Selection cutting of trees and/or the clearing of other vegetation within Zone One, except where such clearing involves the removal of high economic value trees or is necessary to prepare land for a use permitted under Section 150-146.3.A. and where the effects of these actions are mitigated by revegetation, as specified under Section 150-146.8. here within.
- G. Selection cutting of trees and/or the clearing of other vegetation within Zone Two, except where such clearing involves the removal of high economic value trees or is necessary to prepare land for a use permitted by Section 150-146.3.B. and where the effects of these actions are mitigated by revegetation, as specified under Section 150-146.8. here within.
- H. Removal of trees in excess of selection cutting, except where such removal is necessary as a means to eliminate dead, diseased, or hazardous tree stands that jeopardize public safety or as part of a reforestation project, provided that the removal is in compliance with a Corridor Management Plan approved by the township engineer, Board of Supervisors, or its appointed representative.
- I. Removal or disturbance of vegetation in a manner that is inconsistent with erosion control and corridor protection.
- J. Storage of any hazardous or noxious materials.
- K. Dumping of manmade materials.
- L. Dumping of large concentrations or amounts of natural materials and dumping of any natural materials within an identified waterway, measured at bankfull flow.

- M. Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards or the recommendations of the Montgomery County Conservation District.
- N. Subsurface sewage disposal areas.
- O. Sod farming.

Section 150-146.5. Nonconforming Structures and Uses in the Riparian Corridor Conservation District
 Nonconforming structures and uses of land within the Riparian Corridor Conservation District shall be regulated under the provisions of Article XXIII herein. The following additional regulations also shall apply:

- A. Existing nonconforming structures or uses within Zones One or Two that are not permitted under Section 150-146.3 may be continued but shall not have the existing building footprint or uses expanded or enlarged.
- B. Discontinued nonconforming uses may be resumed any time within one year from such discontinuance but not thereafter when showing, clear indications of abandonment. No change or resumption shall be permitted that is more detrimental to the Riparian Corridor Conservation District, as measured against the intent and objectives under Section 1, than the existing, or former nonconforming, use.
- C. This one year time frame shall not apply to agricultural uses which are following prescribed Best Management Practices for crop rotation.

Section 150-146.6. Boundary Interpretation and Appeals Procedure

- A. When a landowner or applicant disputes the Zone (One or Two) boundaries of the Riparian Corridor or the defined edge of a waterway the landowner or applicant shall submit evidence to Worcester Township that describes the boundary, presents the landowner or applicant's proposed boundary, and presents all justification for the proposed boundary change.
- B. The township Board of Supervisors, in consultation with the township engineer, shall evaluate all material submitted and shall make a written determination of the riparian corridor boundaries within 45 days, a copy of which shall be submitted to the township planning commission, and landowner or applicant.
- C. Any party aggrieved by any such determination or other decision or determination under this section may appeal to the zoning hearing board under the provisions of Article XXVI of this chapter. The party contesting the location of the district boundary shall have the burden of proof in case of any such appeal.

Section 150-146.7. Inspection of Riparian Corridor Conservation District

- A. Lands within or adjacent to an identified Riparian Corridor Conservation District may be inspected by a township representative when:
 - (1) A subdivision or land development plan is submitted.
 - (2) A building permit is requested.
 - (3) A change or resumption of nonconforming use is proposed.
 - (4) A grading permit is requested.
- B. The district may also be inspected periodically by a township representatives for compliance with an approved restoration plan, excessive or potentially problematic erosion, hazardous trees, or at any time when the presence of an unauthorized activity or structure is brought to the attention of township officials.

Section 150-146.8. Management of the Riparian Corridor District

- A. **Corridor Management Plan.** Within any riparian corridor area, no construction, development, use, activity, or encroachment shall be permitted unless a Corridor Management Plan is submitted and approved by the township Board of Supervisors and the effects of such development are mitigated by the implementation of the Corridor Management Plan. The Corridor Management Plan shall meet the following requirements, unless the township Board of Supervisors determines that any or all of these requirements are unnecessary:
 - (1) Plan Contents. The Corridor Management Plan shall contain the following information:
 - (a) Existing Conditions, including the boundaries of zones 1 and 2, steep slopes, swales, wetlands, streams, ponds, floodplains, woodlands, other vegetation, and existing structures. A written description of unusual or significant conditions should also be included.
 - (b) Goals, including goals for the entire tract and long range goals for the riparian corridor. All goals should be compatible with the purposes listed in section 1 of this article, legislative intent.
 - (c) Proposed Activities, including, a scaled plan which shows all proposed activities in Zone 1, Zone 2, and land adjacent to the corridor. The plan shall differentiate areas that will be disturbed from those that will be protected and preserved.
 - (d) Proposed Management, including, a discussion of how the goals will be met given the proposed activities. The plan shall specify when the construction, planting, or other activities are to begin and end and shall address long and short-term maintenance, mitigation, and improvement activities necessary for preservation of the corridor, including, application of herbicides, removal of invasive plants, spacing and types of newly planted trees and shrubs, mowing schedules, farming practices, and other related functions.

The proposed management plan shall also comply with the management, mitigation, and restoration measures outlined below in section 150-146.8.A(2).

(2) Management, Mitigation, and Restoration Measures

(a) Management Practices. The following management practices shall be integrated into the plan when practical.

[1] Existing woody and other vegetation should be preserved to the greatest extent possible.

[2] Fallen branches and other organic material should be allowed to remain where they have fallen.

[3] Fencing should be used to keep livestock away from streams.

[4] Streams crossings should be done at a 90 degree angle to the stream.

[5] An undisturbed vegetative strip should be kept between agricultural uses and stream corridors.

[6] Agricultural uses shall follow accepted conservation practices, as promulgated by the Natural Resource Conservation Service, United States Department of Agriculture.

[7] Streambanks should be stabilized in accordance with, *A Streambank Stabilization and Management Guide* for Pennsylvania Landowners, by the Pennsylvania Department of Environmental Resources.

[8] Degraded landscapes should be restored or converted to a more effective landscape.

(b) Mitigation Measures. Permitted uses that involve disturbance of vegetation within the riparian corridor shall be mitigated by at least one of the following measures, with a total amount of mitigated area, measured horizontally, that is equal to or greater than the total amount of disturbed area, measured horizontally:

[1] Increasing the width of the corridor. The width of the riparian corridor, measured from the defined edge of a waterbody, is increased to at least 150 feet.

- [2] Converting to a more effective landscape. The existing landscape is converted to a more effective landscape. The following landscapes are listed in order of effectiveness, from most effective to least effective:

Woodland
Meadow
Shrub
Old Field
Lawn
Pasture

- [3] Increasing the effectiveness of the corridor. In existing degraded wooded areas or proposed new wooded areas, the riparian corridor is planted with three distinct layers of vegetation: (1) canopy trees, such as oak, hickory, maple gum, beech, sycamore, spruce, hemlock, pine, and fir, (2) shrubs that provide an understory, such as elderberry, viburnum, azalea, rhododendron, holly, laurel, and alders, and (3) herbaceous plants that serve as ground cover, including ferns, sorrel, trillium, violet, Virginia creeper, nettle, phlox, aster, and worts. All three layers shall be planted at a density sufficient to create a fully-functioning, naturalized riparian corridor.

(c) Restoration and Conversion of Landscapes

- [1] Landscapes shall be restored by removing invasive vines, removing invasive trees, cleaning out trash, correcting soil erosion problems, planting appropriate plants, and properly maintaining all new plantings
- [2] Landscapes shall be converted to a more effective landscape by removing existing, incompatible vegetation, planting plants that are appropriate for the proposed landscape type and the site, and maintaining and protecting the plantings from invasive plants, deer, and other long-term problems.

B. **Vegetation Selection** To function properly, vegetation in the Corridor Management Plan shall be selected from the list of riparian corridor plants in section 130-28, Landscaping, of the township Subdivision and Land Development Ordinance. Plants not included on the list may be permitted by the Township Board of Supervisors, in consultation with the township Shade Tree Commission, when evidence is provided from qualified sources certifying their suitability. The township may require species suitability to be verified by qualified experts in the Montgomery County Conservation District, Natural Resources Conservation Service, Pennsylvania Fish and Boat Commission, the U.S. Fish and Wildlife Service, or state and federal forest agencies.

- (1) In Zone One, dominant vegetation shall be composed of a variety of native riparian tree and shrub species and appropriate plantings necessary for streambank stabilization.
- (2) In Zone Two, dominant vegetation shall be composed of riparian trees and shrubs, with an emphasis on native species and appropriate plantings necessary to stabilize the soil.

- (3) Disturbed areas shall be revegetated with riparian corridor plants, in compliance with an approved Corridor Management Plan.

SECTION 13. Amendment. Amend section 150-9 of the Zoning Ordinance by adding the following new definitions:

BANKFULL FLOW - The point above a waterway which defines the maximum height of channel flow of a waterway. It is either determined visually or computed as an elevation using the peak rate of runoff from a two-year storm event.

REFORESTATION - The process of creating woodlands with three distinct layers of vegetation: canopy trees, understory shrubs or trees, and herbaceous groundcover plants.

RIPARIAN AREA - Land adjacent to a stream, lake, pond, or other waterway. Riparian areas form the transition between the aquatic and the terrestrial environment.

SELECTION CUTTING - A method of removing small groups of trees scattered throughout a woodland in order to retain the biodiversity of the woodland while allowing limited harvesting of trees.

WATERWAY - A stream, creek, river, pond, lake, or other watercourse or waterbody.

SECTION 14. Amendment. Amend section 130-28.H of the Subdivision and Land Development Ordinance by adding the following new subsection:

(7) Riparian corridor plants:

- (a) Deciduous shrubs: minimum height at time of planting of three (3) feet.

SEE ATTACHED LIST

SECTION 15. Disclaimer. Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in Court, or any rights acquired or liabilities incurred, or any permit issued, or any cause or causes of action existing under the Ordinances of the Township of Worcester prior to the enactment of this Ordinance.

SECTION 16. 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 this Board that this Ordinance would have still been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 17. 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 18. Effective Date. This Ordinance shall take effect and be in force from and after its approval as required by law.

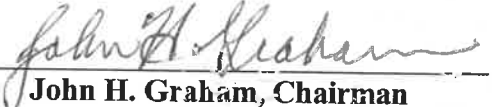
ORDAINED AND ENACTED by the Board of Supervisors of the Township of Worcester, Montgomery County, Pennsylvania, this 19th day of August, 1998.

WORCESTER TOWNSHIP

Attest:


Chase E. Kneeland,
Secretary

By:


John H. Graham, Chairman
Board of Supervisors

<i>Scientific Name</i>	<i>Common Name</i>	<i>Description</i>
<i>Alnus incana</i>	<i>Speckled Alder</i>	<i>Deciduous shrub</i>
<i>Alnus serrulata</i>	<i>Smooth Alder</i>	<i>Deciduous shrub</i>
<i>Amelanchier bartramiana</i>	<i>Mountain Juneberry</i>	<i>Deciduous shrub</i>
<i>Amelanchier intermedia</i>	<i>Shadbush, Serviceberry</i>	<i>Deciduous shrub</i>
<i>Amelanchier canadensis</i>	<i>Shadbush, Serviceberry, Juneberry</i>	<i>Deciduous shrub</i>
<i>Amorpha fruticosa</i>	<i>False-indigo</i>	<i>Deciduous shrub</i>
<i>Aronia prunifolia</i>	<i>Purple Chokeberry</i>	<i>Deciduous shrub</i>
<i>Aronia melanocarpa</i>	<i>Black Chokeberry</i>	<i>Deciduous shrub</i>
<i>Aronia arbutifolia</i>	<i>Red Chokeberry</i>	<i>Deciduous shrub</i>
<i>Clethra alnifolia</i>	<i>Sweet Pepperbush</i>	<i>Deciduous shrub</i>
<i>Cornus amomum</i>	<i>Kinnikinnik, Red Willow</i>	<i>Deciduous shrub</i>
<i>Cornus racemosa</i>	<i>Swamp Dogwood</i>	<i>Deciduous shrub</i>
<i>Cornus sericea</i>	<i>Red Osier Dogwood</i>	<i>Deciduous shrub</i>
<i>Dirca palustris</i>	<i>Leatherwood</i>	<i>Deciduous shrub</i>
<i>Euonymus americanus</i>	<i>Hearts-a-bursting, Strawberry-bush</i>	<i>Deciduous shrub</i>
<i>Gaylussacia dumosa</i>	<i>Dwarf Huckleberry</i>	<i>Deciduous shrub</i>

<i>Gaylussacia frondosa</i>	Dangleberry	Deciduous shrub
<i>Hammamelis virginiana</i>	Witch-hazel	Deciduous shrub
<i>Hydrangea paniculata</i>	Peegee hydrangea	Deciduous shrub
<i>Ilex laevigata</i>	Smooth winterberry	Deciduous shrub
<i>Ilex verticillata</i>	Winterberry, Black Alder	Deciduous shrub
<i>Itea virginica</i>	Tassle-white, Virginia Willow	Deciduous shrub
<i>Leucothoe racemosa</i>	Fetter-bush, Swamp Dog-hobble	Deciduous shrub
<i>Lindera benzoin</i>	Spicebush	Deciduous shrub
<i>Lonicera hirsuta</i>	Hairy Honeysuckle	Deciduous shrub
<i>Lonicera oblongifolia</i>	Swamp Fly Honeysuckle	Deciduous shrub
<i>Lyonia mariana</i>	Stagger-bush	Deciduous shrub
<i>Lyonia ligustrina</i>	Maleberry	Deciduous shrub
<i>Menzesia pilosa</i>	Minnie-bush	Deciduous shrub
<i>Myrica pensylvanica</i>	Bayberry	Deciduous shrub
<i>Nemopanthus mucronatus</i>	Mountain Holly	Deciduous shrub
<i>Physocarpus opulifolia</i>	Ninebark	Deciduous shrub
<i>Potentilla fruticosa</i>	Shrubby Cinquefoil	Deciduous shrub
<i>Ptelea trifoliata</i>	Hop-tree, Wafer-ash	Deciduous shrub
<i>Rhamnus alnifolia</i>	Alder-leaved Buckthorn	Deciduous shrub
<i>Rhododendron viscosum</i>	Swamp Azalea, Swamp-honeysuckle	Deciduous shrub
<i>Rhododendron canescens</i>	Hoary Azalea, Mountain Azalea	Deciduous shrub
<i>Rhododendron canadense</i>	Rhodora	Deciduous shrub
<i>Rhododendron arborescens</i>	Smooth Azalea	Deciduous shrub
<i>Rhododendron periclymenoides</i>	Pinxter-flower, Election-pink	Deciduous shrub
<i>Rhododendron atlanticum</i>	Dwarf Azalea	Deciduous shrub
<i>Ribes triste</i>	Wild Red Currant	Deciduous shrub
<i>Ribes americanum</i>	Wild Black Currant	Deciduous shrub
<i>Ribes lacustre</i>	Bristly Black Currant, Swamp Currant	Deciduous shrub
<i>Ribes glandulosum</i>	Skunk Current	Deciduous shrub
<i>Ribes hirtellum</i>	Northern Wild Gooseberry	Deciduous shrub
<i>Rosa palustris</i>	Swamp Rose	Deciduous shrub
<i>Rosa virginiana</i>	Wild Rose, Pasture Rose	Deciduous shrub
<i>Rubus pubescens</i>	Dwarf Blackberry	Deciduous shrub
<i>Rubus setosus</i>	Blackberry	Deciduous shrub
<i>Salix sericea</i>	Silky Willow	Deciduous shrub
<i>Salix petiolaris</i>	Slender Willow	Deciduous shrub
<i>Salix lucida</i>	Shining Willow	Deciduous shrub
<i>Salix exigua</i>	Sandbar Willow	Deciduous shrub
<i>Salix serissima</i>	Autumn Willow	Deciduous shrub
<i>Salix myricoides</i>	Broad-leaved Willow	Deciduous shrub
<i>Salix discolor</i>	Pussy Willow	Deciduous shrub
<i>Salix eriocephala</i>	Heart-leaved Willow	Deciduous shrub
<i>Sambucus canadensis</i>	American Elder	Deciduous shrub

<i>Spirea alba</i>	Meadow Sweet	Deciduous shrub
<i>Spirea tomentosa</i>	Hardhack, Steeplebush	Deciduous shrub
<i>Vaccinium myrtilloides</i>	Sour-top or Velvet Blueberry	Deciduous shrub
<i>Vaccinium corybosum</i>	Highbush Blueberry	Deciduous shrub
<i>Viburnum nudum</i>	Possum-haw, Swamp-haw	Deciduous shrub
<i>Viburnum lentago</i>	Nannyberry, Sheepberry	Deciduous shrub
<i>Viburnum recognitum</i>	Arrow-wood	Deciduous shrub
<i>Viburnum dentatum</i>	Southern Arrow-wood	Deciduous shrub
<i>Viburnum lantanoides</i>	Witch-hobble, Hobble-bush	Deciduous shrub
<i>Viburnum trilobum</i>	Highbush-cranberry	Deciduous shrub
<i>Viburnum cassinoides</i>	Withe-rod	Deciduous shrub

(b) Deciduous trees: minimum three (3) inch caliper at time of planting.

Scientific Name	Common Name	Description
<i>Acer negundo</i>	Box-elder	Deciduous tree
<i>Acer saccharinum</i>	Silver Maple	Deciduous tree
<i>Acer rubrum</i>	Red Maple, Swamp Maple	Deciduous tree
<i>Amelanchier arborea</i>	Shadbush, Serviceberry, Juneberry	Deciduous tree
<i>Aralia spinosa</i>	Devil's Walking Stick	Deciduous tree
<i>Betula populifolia</i>	Grey Birch	Deciduous tree
<i>Betula alleghaniensis</i>	Yellow Birch	Deciduous tree
<i>Betula nigra</i>	River Birch	Deciduous tree
<i>Carpinus caroliniana</i>	Hornbeam, Blue Beech	Deciduous tree
<i>Catalpa speciosa</i>	Catalpa, Cigar Tree	Deciduous tree
<i>Chioanthus virginicus</i>	Fringe Tree	Deciduous tree
<i>Crataegus phaenopyrum</i>	Washington Hawthorn	Deciduous tree
<i>Diospyros virginiana</i>	Persimmon	Deciduous tree
<i>Fraxinus profunda</i>	Pumpkin Ash	Deciduous tree
<i>Fraxinus pennsylvanica</i>	Red Ash	Deciduous tree
<i>Fraxinus nigra</i>	Black Ash	Deciduous tree
<i>Gleditsia triacanthos</i>	Honey-locust	Deciduous tree
<i>Larix Laricina</i>	American Larch, Tamarack	Deciduous tree
<i>Liquidambar styraciflua</i>	Sweet-gum	Deciduous tree
<i>Magnolia virginiana</i>	Sweet-bay Magnolia	Deciduous tree
<i>Nyssa sylvatica</i>	Black-gum, Sour-gum, Tupelo	Deciduous tree
<i>Populus balsamifera</i>	Balsam Poplar, Hackmatack	Deciduous tree
<i>Quercus palustris</i>	Pin Oak	Deciduous tree
<i>Quercus macrocarpa</i>	Bur Oak, Mossy-cup oak	Deciduous tree
<i>Quercus phellos</i>	Willow Oak	Deciduous tree
<i>Quercus bicolor</i>	Swamp White Oak	Deciduous tree
<i>Quercus imbricaria</i>	Shingle Oak	Deciduous tree

<i>Quercus shumardii</i>	Shumard Oak	Deciduous tree
<i>Salix bebbiana</i>	Long-leaved Willow, Grey Willow	Deciduous tree
<i>Salix amygdaloides</i>	Peach-leaved Willow	Deciduous tree
<i>Salix candida</i>	Hoary Willow, Sage-leaved Willow	Deciduous tree
<i>Salix nigra</i>	Black Willow	Deciduous tree
<i>Salix fragilis</i>	Crack Willow, Brittle Willow	Deciduous tree
<i>Salix caroliniana</i>	Carolina Willow	Deciduous tree
<i>Sorbus decora</i>	Showy Mountain Ash	Deciduous tree
<i>Ulmus americana</i>	American Elm, White Elm	Deciduous tree
<i>Ulmus Rubra</i>	Red Elm, Slippery Elm	Deciduous tree

(c) Evergreen shrubs: minimum height of three (3) feet at time of planting.

<i>Scientific Name</i>	<i>Common Name</i>	<i>Description</i>
<i>Andromeda polifolia</i>	Bog-rosemary	Evergreen shrub
<i>Chamaedaphne calyculata</i>	Leatherleaf	Evergreen shrub
<i>Ilex glabra</i>	Inkberry	Evergreen shrub
<i>Kalmia polifolia</i>	Bog Laurel	Evergreen shrub
<i>Ledum groenlandicum</i>	Labrador Tea	Evergreen shrub
<i>Rhododendron maximum</i>	Rosebay	Evergreen Shrub

(d) Evergreen trees: minimum height of six (6) feet at time of planting.

<i>Scientific Name</i>	<i>Common Name</i>	<i>Description</i>
<i>Abies balsamea</i>	Balsam Fir	Evergreen tree
<i>Chamaecyparis thyoides</i>	Atlantic White Cedar	Evergreen tree
<i>Taxus canadensis</i>	American Yew	Evergreen tree

