

Mr. Andorn commented on proposed revisions to the ordinance, and the potential applicability to permitted school uses.

There was consensus among the Members to amend proposed ordinance revision language regarding housing for staff and students so to denote this an accessory use. Mr. Simone will revise the language accordingly.

Mr. Koch thanked Variety for their presentation at this evening's meeting.

OTHER BUSINESS

- Tommy Ryan, Township Manager, noted the current status of Zoning Hearing Board Application 2021-02, Palmer Village LLC.

PUBLIC COMMENT

- There was no public comment.

ADJOURNMENT

There being no further business before the Planning Commission, Mr. Sherr adjourned the meeting at 8:35pm.

Respectfully Submitted:

Tommy Ryan
Township Manager

**TOWNSHIP OF WORCESTER
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE 2022-288

**AN ORDINANCE AMENDING THE TOWNSHIP CODE TO
INCLUDE A SPECIAL NEEDS CAMP, SCHOOL / DEVELOPMENTAL
CENTER USE, AND TO ESTABLISH REGULATIONS FOR SAID USE**

WHEREAS, Worcester Township will amend the Township Code to incorporate new uses, and to properly regulate the development and operation of said uses, so to protect the health, safety and general welfare of the community;

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

SECTION I

1. Chapter 150, Zoning, Article III, Terminology, §150-9, shall be amended to include the below-noted definition:

Special Needs Camp, School / Developmental Center – Any premises operated for profit or not for profit that provides educational, vocational, recreational, social, cultural, health or like services or programs primarily for persons with intellectual, physical and/or developmental disabilities. An intellectual disability is a disability characterized by varying limitations in both intellectual functioning and adaptive behavior, impacting one or more social or practical ability, and a developmental disability is a disability characterized by impaired physical or cognitive functioning, impacting one or more physical, learning, language, or behavioral ability.

2. Chapter 150, Zoning, Article IV, AGR Agricultural Zoning District, §150-11, shall be amended to include the below-noted use:

§150-11.C. Special Needs Camp, School / Developmental Center

(1) On tracts of sixty acres or more with frontage on at least two public roads, a Special Needs Camp, School / Developmental Center shall be permitted in accordance with the requirements of §150-12 through §150-17 of this article.

(2) Special Needs Camp, School / Developmental Center may include the following uses and facilities:

- a. Classrooms, vocational–technical classrooms and workspaces, offices, cafeterias, indoor recreation facilities, and other facilities typically associated with schools and developmental centers.

- b. Outdoor recreational facilities and uses including sports fields, playgrounds, play courts, swimming pools, tree houses, ropes courses, amphitheaters, and other similar facilities. Outdoor recreational facilities are primarily for the use of Special Needs Camp, School / Developmental Center students and staff, while also being available for rental and community use. The illumination of any outdoor recreational facility is permitted by conditional use approval of the Board of Supervisors, in accordance with §150-215.
 - c. Facilities for the operation of day camps and overnight camps including offices, cafeterias, indoor and outdoor recreational facilities, dormitories and cabins, tent camping, and horse-riding stables.
 - d. Agriculture including but not limited to agritainment, pick-your-own produce, a farm stand for the sale of products including products developed on the property such as agricultural produce, baked goods, and craft-type artisanal works.
 - e. A restaurant and café school that is open for public dining with a maximum indoor dining capacity of forty persons and a maximum outdoor dining capacity of thirty persons. The restaurant and café school shall be associated with a culinary or other vocational program of the Special Needs Camp, School / Developmental Center, and restaurant and café school staffing shall primarily consist of students enrolled in the Special Needs Camp, School / Developmental Center. The restaurant and café school shall not offer drive-through service or third-party food delivery.
 - f. Residential units for employees and clients of the Special Needs Camp, School / Developmental Center, but only as an accessory use to permitted uses listed above.
3. Chapter 150, Zoning, Article IV, AGR Agricultural Zoning District, §150-11, shall be revised so to renumber existing sections §150-11.C to §150-11.F to sections §150-11.D to §150-11.G.

SECTION II

1. In the event that any section, subsection or portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance. The invalidity of section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such invalid part or parts. It is hereby declared to be the intention of the Township that this Ordinance would have been adopted had such invalid section, clause, sentence, or provision not been included therein.
2. To the extent this Ordinance is inconsistent with the Code of Worcester Township, the provisions of this Ordinance shall take precedence. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

3. 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.
4. This Ordinance shall become effective as provided by law.

ENACTED AND ORDAINED by the Supervisors of the Township of Worcester, Montgomery County, Pennsylvania on this 16th day of February, 2022.

FOR WORCESTER TOWNSHIP

By: _____
_____, Chair
Board of Supervisors

Attest: _____
_____, Secretary

**MONTGOMERY COUNTY
BOARD OF COMMISSIONERS**

VALERIE A. ARKOOSH, MD, MPH, CHAIR
KENNETH E. LAWRENCE, JR., VICE CHAIR
JOSEPH C. GALE, COMMISSIONER



**MONTGOMERY COUNTY
PLANNING COMMISSION**

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SCOTT FRANCE, AICP
EXECUTIVE DIRECTOR

January 20, 2022

Mr. Tommy Ryan, Manager
Worcester Township
1721 Valley Forge Road—Box 767
Worcester, Pennsylvania 19490

Re: MCPC #21-0333-001
Plan Name: Ordinance 2022-288
Worcester Township

Dear Mr. Ryan:

We have reviewed the above-referenced zoning text amendment in accordance with Sections 609 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on December 22, 2021. We forward this letter as a report of our review and recommendations.

BACKGROUND

This zoning ordinance text amendment provides for a new use, called a "Special Needs Camp, School / Developmental Center," which would be permitted by-right within the AGR Agricultural Zoning District of the Township. A definition is provided, as well as use regulations stipulating lot-size and street frontage requirements. Additionally, several additional uses would be permitted under the auspices of the greater principal use of the Special Needs Camp/Center, including classrooms and educational facilities, outdoor recreation facilities, overnight camping accommodations and operational facilities, agricultural uses, restaurant and café uses, and residential units for employees and clients of the overall facility. Some distinction is made as to which facilities may or may not be available for community or public use outside of the camp operation. The definition provided for the overall use also provides for a definition of intellectual and developmental disabilities.

RECOMMENDATION

The Montgomery County Planning Commission (MCPC) generally supports the township's proposed zoning text amendment; however, in the course of our review we have identified several significant issues which the township should address prior to final adoption. Our comments are as follows:



REVIEW COMMENTS

A. ORDINANCE STRUCTURE

1. Use of Existing Definitions. While we generally support the accommodation of such uses, especially when it permits individuals with disabilities fuller participation within our communities, we recommend that the Township reconsider the manner in which it would regulate and permit this use. A Day Camp use is already defined and provided for in the zoning ordinance, and it is conceivable that most of the accessory uses permitted under the proposed Special Needs Camp may already be implicitly permitted through the Day Camp use. Apart from the focus on “Special Needs,” the primary difference between the existing Day Camp use and the proposed use appears to be the explicit allowance for *overnight stays*, whether by staff or clients, including what appears to be permanent residential uses. The Township may instead want to consider nesting the proposed use under a greater camp use, and making any desired distinctions between the potential intensity of camp uses as necessary.
2. By-Right vs. Conditional Use. When comparing the scale and diversity of uses permitted under the Special Needs Camp use to the other uses permitted in the AGR Agricultural Zoning District, it may not be consistent with the intent and structure of the District to permit this use *by right*, when all other uses, apart from agricultural and single-family uses, are permitted *by conditional use*. For example, “noncommercial playing fields, parks, playgrounds, passive recreation areas...[etc.]” are only permitted in the AGR by conditional use, when those same facilities are permitted through the Special Needs Camp use by right. Due to the complexities inherent in these uses, we would recommend that this proposed use instead be permitted by conditional use only.
3. Special Needs vs. General Population. As referenced above, many more uses are potentially permitted under the proposed Special Needs camp use than in any other use presently permitted in the AGR District. However, this expanded menu of uses, including the public patronage of the grounds and facilities outside of the normal business of the Camp, would *only* be permitted under a framework specifically geared to individuals with disabilities. The Township should verify with the Solicitor that such an arrangement remains consistent within the framework of their ordinances.

B. USE AND DEVELOPMENT STANDARDS

1. Accessory Uses. As noted above, the Special Needs Camp use would permit, by extension, several subordinate uses under the umbrella of the main use. Apart from the other concerns expressed herein, the Township may also want to consider the manner and frequency such uses can be made open to the public. As proposed, the restaurant and café uses, as well as the recreation facilities and “agritainment” uses, would be permitted to be open to public patronage. However, there are few concrete standards in the ordinance which would meaningfully address the potential off-site impacts of these uses being open to the public. For example, although “primarily” geared towards the Special Needs Camp,

- outdoor recreational facilities are also "available for rental or community use" without any further qualifiers. Additionally, "agritainment" uses should be more thoroughly defined and rectified with other such uses as may already be defined in the zoning ordinance.
2. Development Standards. The proposed ordinance is silent on a number of development standards which the Township would have an interest in regulating, even when compared to existing permitted uses in the District (e.g. the Day Camp use is limited to 1% building coverage and 2% impervious coverage, whereas the proposed Special Needs Camp has no such standards). Building and impervious coverage, parking and access, landscape buffers as well as hours of operation are all legitimate standards that the Township has the right to stipulate and impose upon such a use.
 3. Preservation Restrictions. It is conceivable that the Special Needs Camp use may be a feasible alternative for a property owner still interested in maintaining some agricultural uses on their property, but may not be interested in recording a permanent conservation easement. However, even when paired with agricultural operations, such a camp and its activities would not be permitted on agricultural properties eased by the county's farmland preservation program. The Township may want to incorporate this limitation into the ordinance.

CONCLUSION

We wish to reiterate that while MCPC generally supports the township's proposed zoning ordinance text amendment, we believe that our suggested revisions should be addressed prior to final adoption.

Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposed amendments will be made by the municipality.

Should the governing body adopt these proposed zoning ordinance text amendments, Section 609 of the Municipalities Planning Code requires that we be sent an official copy within 30 days.

Sincerely,



Brian J. Olszak, Senior Planner
bolszak@montcopa.org - 610-278-3737

c: Stacey Crandell, Asst. Township Manager