

**WORCESTER TOWNSHIP
BOARD OF SUPERVISORS**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2006-_____

"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.

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:

- . Hydric soils, swales, springs, lowland areas other than wetlands, and Riparian Buffer Zone 2.
- . 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.
- . Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats.
- . Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
- . Hedgerows, groups of trees, large individual trees of botanic significance, and other vegetative features.
- . Historic structures and sites.
- . Visually prominent topographic features such as knolls, hilltops and ridges, and scenic viewsheds as seen from public roads (particularly those with historic features).
- . 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:

- . Sketch Plan Phase.
 - (0) 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.
 - (0) 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.

Preliminary Plan Phase.

- (0) 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.
- (0) 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.

Final Plan Phase.

- (0) 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.
- (0) 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.

- (0) 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.
- (0) 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.
- (1) 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.

- (0) 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.

- (0) 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.
- (0) 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.
- (0) 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.
- (0) 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.
- (0) 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.
- (0) 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.

- (0) 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:
 - () 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.
 - () The potential for street connections with existing streets, with other proposed streets, or with potential developments on adjoining parcels.
 - () The location of proposed access points along the existing road network.
 - () The proposed building density and impervious coverage.
 - () The potential for trail and open space connections.
 - () 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.
 - () 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.C.
 - (0) Step 1: Delineation of Open Space Lands and Development Areas. Open space lands and development areas shall be delineated according to the following procedure:
 - () 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.

 - () 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 this Ordinance, and Section 150-204.1 of the Zoning Ordinance, whether or not specifically mapped in the Worcester Township Open Space Plan.

 - () 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").

- () 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.
- () 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.

(0) 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.

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

- () 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.

- () 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.
 - () 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).
 - () 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.
 - () 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.
- (0) 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:

- (0) Stream channels, floodplains, wetlands, wet soils, swales, springs and other lowland areas, including adjacent buffer areas required to ensure their protection.
- (0) Steep slopes, particularly those adjoining watercourses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
- (0) Woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats.
- (0) Hedgerows, groups of trees, large individual trees, and other vegetation features representing the site's rural past.
- (0) Significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the Statewide Natural Diversity Inventory.
- (0) Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
- (0) Historic structures and sites, as documented in the Worcester Township Open Space Plan and Worcester Township historic inventories.
- (0) Visually prominent topographic features such as knolls, hilltops and ridges, and scenic viewsheds as seen from public roads (particularly those with historic features).
- (0) Existing trails connecting the tract to other locations in the Township.
- (0) 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:

- (0) 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.
- (1) 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”.
- (0) 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.
- (0) It shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjointing lots shall be provided with safe and convenient pedestrian access to open space land.
- (0) Open space designated for active recreational uses shall not interfere with adjacent dwelling units, parking, driveways and roads.
- (0) It shall be interconnected wherever possible to provide a continuous network of open space lands within and adjoining the subdivision.

- (0) It shall provide 150 foot buffers to adjoining parks, preserves and other already protected lands.
- (0) 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.
- (0) It shall be undivided by public or private streets, except where necessary for proper traffic circulation.
- (0) 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.
- (0) 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 150-110.31 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 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 130-11.1.

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 130-33.C). The sketch plan may be prepared as a simple overlay placed on top of the Existing Resources and Site Analysis Plan.

- (0) Name of the subdivision, name and address of the applicant and of the applicant's engineer, surveyor, planner, architect, or landscape architect, as applicable.
- (0) Location Map showing the subject tract and the surrounding road network.
- (0) Context Map, described in Section 130-33.B-1.
- (0) Zoning District(s), including overlay districts if applicable.
- (0) Municipality(ies) in which the subdivision or land development is located.
- (0) Approximate tract boundaries sufficient to locate the tract on a map of the Township.
- (0) Streets on and adjacent to the tract (both existing and proposed.)
- (0) 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.
- (0) 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), moderate 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.

- (0) 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).
- (0) Proposed road and lot or dwelling unit layout.
- (0) In the case of land development plans, proposed general layout of buildings and/or major structures, parking areas and other improvements.
- (0) General description of proposed method and location of water supply, recharge, sewage treatment, and stormwater management.
- (0) 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.

- (0) 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.
- (1) 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:
 - (0) 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.
 - (0) 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.
 - (1) Natural Features including:

- () 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.
- () 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.
- (a) Areas within the Floodplain Conservation District, as defined in Article XX in the Township Zoning Ordinance.
- () Watercourses, either continuous or intermittent and named or unnamed, and lakes, ponds or other water features as depicted on the Collegeville and Lansdale U.S.G.S. Quadrangle Map, most current edition.
- () Wetlands as defined in this Ordinance.
- () Riparian Corridor Zones 1 and 2, as defined in Article XXB in the Worcester Township Zoning Ordinance.
- () 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.
- () 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.

- () 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.
 - () Any portion of the tract identified as a Pennsylvania Natural Diversity Inventory (PNDI) site.
 - () 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.
 - () Ridgelines and watershed boundaries.
 - () 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.
 - () Primary and secondary conservation areas consistent with the Worcester Township Open Space Plan and Comprehensive Plan.
- (2) Existing Man-Made Features, including:
- () Location, dimensions, and use of all existing buildings (whether occupied or not), and driveways.
 - () Location, names, widths, centerline courses, paving widths, identification numbers, and rights-of-way, of existing streets and alleys.
 - () Location and size of existing sanitary sewer, storm drains, water supply facilities, and any other utilities above or below the ground.

- () Location of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
 - () Any easements, deed restrictions, rights-of-way, or any other encumbrances upon the land, including location, size, and ownership.
 - () 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.
 - () 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.
- (0) Total acreage of the tract, the Adjusted Tract Area, where applicable, and the constrained land area with detailed supporting calculations.
 - (0) Zoning Requirements, if any, or requirements of any Township ordinance or resolution on and adjacent to the land to be subdivided.
 - (0) 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 in the AGR District (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 this Ordinance and Section 150-204.1 of the Worcester Township Zoning Ordinance:
 - (0) 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.
 - (0) 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. *(new)*
- J. Lighting Plan. *(new)*
- 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:

- . Hydric soils, swales, springs, lowland areas other than wetlands, and Riparian Buffer Zone 2.
- . 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.
- . Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats.
- . Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
- . Hedgerows, groups of trees, large individual trees of botanic significance, and other vegetative features.
- . Historic structures and sites.
- . Visually prominent topographic features such as knolls, hilltops and ridges, and scenic viewsheds as seen from public roads (particularly those with historic features).
- . 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, each of which is multiplied by a net-out factor set forth in this ordinance (see Section 150-110.24.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 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 the DCNR website.

LOT AREA *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 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:

- (0) 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.
- (0) 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.

- . 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;
- . 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;
- . To reduce erosion and sedimentation and facilitate groundwater recharge by retaining existing vegetation, and minimizing development on steep slopes;
- . 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;
- . 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;

- . 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);
- . To provide development options reflecting the varying circumstances and interests of individual landowners and the individual characteristics of their properties;
- . 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;
- . 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.
- . 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;
- . 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;
- . To implement policies identified in the Worcester Township Comprehensive Plan and Worcester Township Open Space Plan.

Section 150-110.2 Use Regulations.

- . Residential Uses
 - (0) On tracts eight (8) acres or larger, the following three (3) Conservation Subdivision options are permitted by right:
 - () Option 1, Neighborhood Lots: single-family detached dwellings with open space.
 - () Option 2, Estate Lots: single-family detached dwellings at reduced density, on larger lots and with no open space.

- () 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.
- (0) Proposals for Conservation Subdivisions on tracts eight (8) acres or larger involving three (3) lots or less shall be exempt from the requirements of Subsection (1) above.
 - () Lots under this Subsection A (2) shall meet the requirements of Sections 150-12 through 150-17.
 - (a) 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.

- B. 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:
 - (0) 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 unsewered, the ability of the site to utilize on-lot soils-based sewage disposal methods.
 - (0) The Yield Plan shall identify the site's primary and secondary conservation areas, as identified in the Existing Resources/Site Analysis Plan.

(1) 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.

(2) 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 meet the definition of lot area in Article II.

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

- C. 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.
- D. 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:
- (0) 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.
 - (0) 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.
 - (0) 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 150-110.25.
 - (0) No part of an accessory dwelling unit shall be located more than 500 linear feet from any point on the principal dwelling.
 - (0) Accessory dwellings shall not be permitted to have an additional accessory building, such as a garage.
 - (0) 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.

- . 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.
- . 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.
- E. 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:
 - (0) All tracts (whether “sending” or “receiving”) shall be owned by the same legal or equitable owner.
 - (0) All tracts shall be located in the AGR Agricultural District or the LPD Land Preservation District.
 - (0) 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 150-18 better than locating the maximum permitted number of units on each tract.
 - (0) 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.
 - (0) 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).

- (0) The applicant shall enter into an agreement with the Township specifying the maximum number of units permitted on each of the tracts and other conditions as applicable.
- (0) 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.

- . Option 1: Neighborhood Lots:
 - (0) Open Space: minimum fifty percent (50%) of Adjusted Tract Area plus constrained lands.
- . Option 2: Estate Lots.
 - (0) Open Space: no open space is required.
- . Option 3: Country Properties.
 - (0) Density: maximum one (1) principal dwelling unit per 10 acres of gross tract area.
 - (0) Accessory Dwelling Units. Up to two accessory dwelling units are permitted, as set forth in Section 150-110.20.C.
 - () 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.
 - (0) Open Space: no open space is required.

- (0) 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:
 - (0) 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%).
 - (0) 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:
 - (0) It shall be at least ten (10) acres in area.
 - (0) 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 150-110.31. 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.

- (0) 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 150-110.31, Ownership and Maintenance of Open Space and Common Facilities.
- (0) 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 150-110.25.

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 line	40 ft. 80 ft.	50 ft. 100 ft.	100 ft. 200 ft.	150 ft. 300 ft.
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
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.

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

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

- . 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.
- . Additional Design Standards for Dwellings and Lots.
 - (0) 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.

- (0) All new dwellings shall meet the following setback requirements:
 - () From all external road rights-of-way 100 feet
 - () From other tract boundaries 50 feet
 - () From cropland or pasture land 100 feet
 - () From buildings or barnyards housing livestock 300 feet
 - () From active recreation areas such as courts or playing fields (not including tot lots) 150 feet
- (0) Lots shall, to the maximum extent possible, be accessed from interior streets, rather than from roads bordering the tract.
- (0) 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:

- . Conservation of open land in its natural state (e.g., woodland, fallow field, or managed meadow);
- . 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.
- . 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.

- . 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.
- . Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided:
 - (0) 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.
 - (0) Playing fields, playgrounds, and courts shall not be located within one hundred and fifty (150) feet of abutting residential properties.
- . 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.
- . 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.
- . Easements for drainage, access, sewer or water lines, or other public uses;
- . 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:

- . 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.
- . The required open space shall be owned and maintained as permitted in Section 150-110.12.
- . 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.
- . Buffers for Adjacent Public Parkland.
 - (0) 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.
 - (0) 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.
 - (0) Proposed maintenance of the parkland buffer shall be included in the Open Space Management Plan required in Section 150-110.12.C.
- . 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.
- . 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:
 - (0) 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.

- (0) 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.

- . Permanent Protection of Open Space in Option 1
 - (0) 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.
 - (0) 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.
- E. 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.
 - (0) Fee Simple Dedication to the Township.
 - () 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.
 - () 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.

- (1) 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.

- (2) 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:
 - () 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.

 - () 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.

 - () 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.

 - () 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.

- () 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.
- () 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.
- () The association shall have or hire adequate personnel to administer common facilities and to properly and continually maintain the open space.
- () 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:
 - . That the open space lands to be leased shall be maintained for the purposes set forth in this Ordinance; and
 - . 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.
- () 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.

- () 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.
- (3) 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:
 - () The organization is acceptable to the Board of Supervisors, and is a bona fide conservation organization with perpetual existence;
 - () 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;
 - () 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
 - () A maintenance agreement acceptable to the Board of Supervisors is entered into by the owner and the organization or Montgomery County.

(4) 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:

() There shall be no cost of acquisition to the Township.

() Any such easements for public use shall provide for access for all residents of the Township.

() A satisfactory maintenance agreement shall be established, in writing, between the owner and the Township.

(5) 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 150-110.16, and the Township shall have the authority to enforce the restrictions.

F. 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.

- () Open Space Management Plan Information. Such a plan shall include a narrative discussion of the following items:
 - . 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;
 - . 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;
 - . The professional and personnel resources that will be necessary in order to maintain and manage the property;
 - . The nature of public or private access that is planned for the designated open space; and
 - . The source of funds that will be available for such management, preservation and maintenance on a perpetual basis.
 - . 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.

- () 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.

- () 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.

- () 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.

() 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:

- . 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
- . 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.

(0) Failure to Maintain Facilities and Corrective Action

() 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:

- . 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.

. 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.

) 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.

) Such lien shall be filed by the Township in the office of the Prothonotary of Montgomery County, Pennsylvania.

G. 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. Repealer.

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

SECTION XVII. 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 XVIII. 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 XIX. 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 February ____, 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 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 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.

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**