

WORCESTER TOWNSHIP  
BOARD OF SUPERVISORS

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2010-227

"Zoning Ordinance Amendments"

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WORCESTER, CHAPTER 150 (ZONING), ARTICLE III (TERMINOLOGY), SECTION 150-9 (DEFINITIONS) TO ADD A NEW DEFINITION FOR THE TERM "PRIVATE SPORTS COURT" AND TO REVISE THE EXISTING DEFINITION FOR THE TERM "AGRICULTURE"; TO AMEND ARTICLE XXIV (GENERAL REGULATIONS), SECTION 150-177 (ACCESSORY USE; ACCESSORY STRUCTURES), PARAGRAPH "B", SUBPARAGRAPH (4) TO REGULATE THE LOCATION, CONSTRUCTION, AND USE OF PRIVATE TENNIS COURTS AND PRIVATE SPORTS COURTS; AND TO AMEND, SECTION 150-182 (FENCING AND WALLS) TO DELETE EXISTING PARAGRAPH "A" AND INSERT NEW PARAGRAPH "A" TO PERMIT CERTAIN OPEN DESIGN FENCES TO BE LOCATED WITHIN THE SIDE OR REAR YARD SETBACKS PROVIDED THAT SUCH FENCES ARE LOCATED NO CLOSER THAN THREE (3) FEET TO ANY PROPERTY LINE.

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

**SECTION I. Amendment to the Code.**

The Code of the Township of Worcester, Article III (Terminology), Section 150-9 (Definitions) is hereby revised to add or change the following definitions:

**AGRICULTURE** – The production of field crops; vegetables; fruits; berries; herbs; horticultural products, including nursery stock, shrubs, trees, and flowers; timber and other wood products derived from trees; aquatic plants and animals; "Commercial Equine Activity" as defined in the Pennsylvania Agricultural Security Area Law, 3 P.S. §901-915; and animals and animal products, but excluding Confined Animal Feeding Operations, piggeries, and slaughter houses.

**PRIVATE SPORTS COURT** – A hard-surfaced outdoor area accessory to a dwelling used for playing sports, including, but not limited to, basketball, hockey and similar sports played on a court.

**SECTION II. Amendment to the Code.**

The Code of the Township of Worcester, Article XXIV (General Regulations), Section 150-177 (Accessory Use; Accessory Structures), Paragraph "B" (Single-Family Detached Residential Uses), Subparagraph (4) is hereby revised as follows:

- (4) Private tennis court and private sports courts and all facilities incidental thereto shall be located on a lot 60,000 square feet or larger and in the rear yard only. Except as set forth below for lighted courts, a private tennis court shall not be less than 50 feet from the side and rear property lines, and a private sports court shall not be less than 75 feet from the side and rear property lines. A vegetative screening landscape buffer in accordance with the Worcester Township Landscape Ordinance requirements for rear and side yards as set forth in Section 130-28 of the Worcester Township Subdivision and Land Development Ordinance shall be provided for all private tennis courts and private sports courts and all facilities incidental thereto. To the extent required by the Township Engineer, all tennis courts and sports courts shall have stormwater management facilities. All required stormwater management facilities shall be approved by the Township Engineer. The lighting of a private tennis court or private sports court shall conform to §150-200. Any lighted private tennis court or sports court shall not be less than 100 feet from the side and rear property lines. No tennis court or sports court shall be illuminated after 9:00 p.m. Sunday through Thursday, or after 10:00 p.m. on Friday and Saturday.

**SECTION III. Amendment to the Code.**

The Code of the Township of Worcester, Article XXIV (General Regulations), Section 150-182 (Fencing and Walls) is hereby revised to delete existing Paragraph "A" and insert new Paragraph "A" to provide as follows:

- A. No fence or wall (except a retaining wall or a wall of a building permitted under this chapter) over 4 feet in height may be erected in any of the side or rear yards setbacks in any residential district, except that a fence of open design, such as a post-and-rail, post-and-board, or metal openwork, but specifically excluding chain link fencing and mesh fencing, up to 60 inches in height may be erected no closer

than 3 feet to any side or rear property line in all residential districts, subject to the restrictions of the remainder of this Section.

**SECTION IV. Repealer.**

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

**SECTION V. Severability.**

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**SECTION VI. Failure to Enforce Not a Waiver.**

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

**SECTION VII. Effective Date.**

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

**ORDAINED AND ENACTED** by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania this 15<sup>th</sup> day of December, 2010.

**WORCESTER TOWNSHIP**

By: Arthur C. Bustard  
**ARTHUR C. BUSTARD, Chairman**  
**Board of Supervisors**

By: *Susan G. Caughlan*  
**SUSAN G. CAUGHLAN, Vice Chair**  
**Board of Supervisors**

By: *Stephen C. Quigley*  
**STEPHEN C. QUIGLEY, Member**  
**Board of Supervisors**

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## NOTICE

NOTICE is hereby given that the Board of Supervisors of Worcester Township, at its public meeting on December 15, 2010 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 "Zoning Ordinance Amendments" amending the Code of the Township of Worcester, Chapter 150 (Zoning), Article III (Terminology), Section 150-9 (Definitions) to add a new definition for the term "Private Sports Court" and to revise the existing definition for the term "Agriculture"; to amend Article XIX ("LI" Limited Industrial District), Section 150-128 (Use Regulations) to revise Paragraph "A" to designate research facilities as a permitted use in the "LI" District; to revise Paragraph "D" to delete the reference to "research facilities" as a permitted accessory use; and to revise Paragraph "G" to permit the incineration and storage of research and development waste as an accessory use to a research facility provided that any incineration occurs in an incinerator permitted by the Department of Environmental Protection; to amend Section 150-132 (Height Regulations) to increase the maximum height for buildings and other structures in the "LI" Limited Industrial District to 45 feet and permit certain projections to extend an additional 15 feet above the maximum height; to amend Article XXII (Off-Street Parking and Loading), Section 150-158 (Design Requirements) to add language to Paragraph "A" which states that an enclosed parking facility shall be considered when calculating impervious coverage, but not when calculating building coverage; to amend Article XXIV (General Regulations), Section 150-177 (Accessory Use; Accessory Structures), Paragraph "B", Subparagraph (4) to regulate the location, construction, and use of private tennis courts and private sports courts; and to amend, Section 150-182 (Fencing and Walls) to delete existing Paragraph "A" and revise Paragraph "A" to

permit certain open design fences to be located within the side or rear yard setbacks provided that such fences are located no closer than three (3) feet to any property line.

Copies of the full text of the proposed ordinance are available for examination during normal business hours 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**  
**ANDREW R. FREIMUTH, ESQUIRE**  
**WISLER PEARLSTINE, LLP**  
Solicitors for Worcester Township

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