

**WORCESTER TOWNSHIP
BOARD OF SUPERVISORS**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2012-239

"Agricultural and Accessory Uses and Structures Ordinance"

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WORCESTER, CHAPTER 150 (ZONING), ARTICLE IV (AGR AGRICULTURAL DISTRICT), SECTION 150-13 (YARD REGULATIONS), PARAGRAPH "B" (NONRESIDENTIAL USES) TO REDUCE THE MINIMUM FRONT, SIDE AND REAR YARD SETBACKS FOR AGRICULTURAL BUILDINGS TO FIFTY FEET; AMENDING ARTICLE XXIV (GENERAL REGULATIONS) TO DELETE EXISTING SECTION 150-177 (ACCESSORY USE; ACCESSORY STRUCTURES) IN ITS ENTIRETY AND REPLACE IT WITH A NEW SECTION 150-177 ENTITLED "ACCESSORY USES AND STRUCTURES" ESTABLISHING NEW REGULATIONS FOR USES AND STRUCTURES WHICH ARE PERMITTED AS ACCESSORY TO SINGLE-FAMILY DETACHED RESIDENTIAL USES; AND FURTHER AMENDING ARTICLE XXIV (GENERAL REGULATIONS) TO ADD A NEW SECTION 150-177.1 ENTITLED "AGRICULTURAL USES AND STRUCTURES" PROVIDING REGULATIONS FOR AGRICULTURAL USES AND AGRICULTURAL STRUCTURES.

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, Chapter 150 (Zoning), Article IV (AGR Agricultural District), Section 150-13 (Yard Regulations) Paragraph "B" (Nonresidential Uses) is hereby amended to delete existing Subparagraphs (1) and (3) in their entirety and replace them with the following:

- (1) One hundred fifty (150) feet shall be the minimum size of front, side and rear yards for religious buildings. Fifty (50) feet shall be the minimum size of front, side and rear yards for Agricultural buildings, except for seasonal roadside stands as set forth in § 150-177.1.

- (3) Except as otherwise set forth in this Chapter, in no case shall the minimum yard area for any use be less than the minimum yard area required for single-family detached homes, as specified in §150-13.A.

SECTION II. Amendment to the Code.

The Code of the Township of Worcester, Chapter 150 (Zoning), Article XXIV (General Regulations) is hereby amended to delete existing Section 150-177 (Accessory use; accessory structure) in its entirety and replace it with the following:

§150-177 Accessory Uses and Structures

- A. Accessory uses and structures to a single-family detached residential use shall be regulated as follows:

- (1) In the AGR, R-175, and R-AG-175 districts, structures accessory to single-family residential uses, except those regulated in subsections (2) through (9) below, shall be located behind the Building Line and no closer than 15 feet to the side and rear property lines. In all other districts, structures accessory to single-family residential uses, except those regulated in subsections (2) through (9) below, shall be located behind the Building Line and within the building envelope, except that where the required size of the rear yard is greater than 10 feet, said accessory structures may be erected in the rear yard not closer than 10 feet to the rear property line. Accessory structures in any district shall not be higher than 15 feet.

- (2) Private garages (whether attached or detached) may not encroach on any yard setback and must be located entirely within the building envelope of the lot on which they are located. Attached garages shall not exceed the height restriction for principal buildings in the applicable zoning district, and detached garages shall not exceed 20 feet in height.

- (3) Private swimming pools shall be constructed in accordance with the applicable Township ordinances, and shall be located entirely within the Rear Yard of the lot on which the pool is located and at least 10 feet behind the closest part of the main building. However, in no case shall the distance from the pool to the side or rear property line be less than 25 feet. In the AGR, R-175, and R-AG-175 districts, the distance from the pool to the side and rear property lines shall be not less than 50 feet. The water edge shall be the line for measurement of these setbacks. All filters, heaters and accessory structures incidental thereto shall

meet the same setback criteria. Freestanding spas and hot tubs shall be exempt from the requirement to be located at least 10 feet behind the closest part of the main building.

(4) Private tennis courts 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.

(5) Private stables for the keeping of horses and livestock shall be permitted on properties having a gross lot area of 3 acres or more. A gross lot area of 3 acres shall allow a maximum of two large animals (e.g., horses, cattle, llamas). Two small animals (e.g., goats, sheep, mini horses, ponies, yearling horses or cattle, donkeys) shall be the equivalent of one large animal. Each additional acre of gross lot area shall allow the keeping of one additional large animal or the equivalent. All grazing areas shall be suitably fenced to contain the animals at all times. All buildings and structures (including rings, but not including fencing) used for the housing, stabling, training, and recreational enjoyment of such animals shall be located within the building envelope and shall be no higher than 35 feet.

(6) Decorative structures such as garden trellises, arbors, statues, benches, and the like, but specifically not including storage units, sheds, greenhouses, or other work areas, may be located no closer than 15 feet to any property line, but not within the ultimate right of way of any road.

(7) Private mailboxes shall be located as required by the U.S. Postal Service. Private newspaper boxes may be located adjacent to private mailboxes and no closer to the cart-way than a private mailbox.

(8) Private driveways shall be regulated by §150-155 and private parking spaces shall be regulated by §150-153.

(9) Structures associated with public or private utilities (such as water, stormwater, sanitary waste, power, fuel, telephone, and cable) to serve permitted Agricultural and single-family residential uses shall be exempt from the setbacks in this section.

- B. Accessory uses authorized by this chapter shall not be interpreted to include nonpermanent structures for the sale of goods, which are prohibited by Chapter 119, except as otherwise set forth therein.

SECTION III. Amendment to Code

The Code of the Township of Worcester, Chapter 150 (Zoning), Article XXIV (General Regulations) is hereby amended to the following new Section 150-177.1 entitled "Agricultural Uses and Structures":

§150-177.1 Agricultural Uses and Structures

- A. The following Agricultural uses and structures are permitted in the districts zoned for Agricultural use:

1) Seasonal roadside stand for the sale of Agricultural products, which may be located within the front setback, not less than 25 feet from any neighboring property line and not within the legal right of way of any street or road. Vehicular access to seasonal roadside stands must be located at least 300 feet from any intersection and seasonal roadside stands may not interfere with sight distances or create a safety hazard to motorists or pedestrians. A roadside stand shall not exceed 200 square feet.

2) Barn, shed, greenhouse, silo, exercise ring, or similar structure used for Agriculture or for the processing of Agricultural products. No such building or structure shall be erected within 50 feet of any property line. Fencing in connection with Agricultural uses shall conform to the requirements of section 150-182. All grazing areas shall be suitably fenced to contain the animals at all times.

SECTION IV. Repealer.

All other ordinances and resolutions or parts thereof as they are inconsistent with this Ordinance, and in particular Section 150-192 (Housing of Animals, Livestock and Poultry) of the Code of the Township of Worcester, are hereby repealed.

SECTION V. Severability.

The provisions of this Ordinance are intended to be 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.

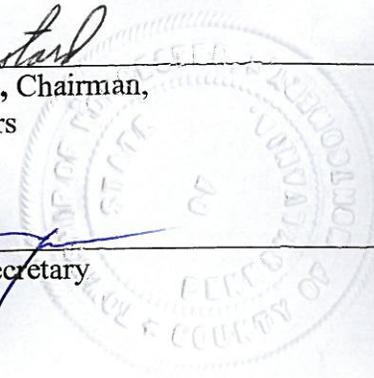
(Signature page follows)

ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township,
Montgomery County, Pennsylvania this 19th day of December, 2012.

WORCESTER TOWNSHIP

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

Attest: *F. Lee Mangan*
F. Lee Mangan, Secretary



NOTICE

NOTICE is hereby given that the Board of Supervisors of Worcester Township, at its public meeting on December 19, 2012, 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 "Agricultural and Accessory Uses and Structures Ordinance" amending the Code of the Township of Worcester, Chapter 150 (Zoning), Article IV (AGR Agricultural District), Section 150-13 (Yard Regulations), Paragraph "B" (Nonresidential Uses) to reduce the minimum front, side and rear yard setbacks for agricultural buildings to fifty feet; amending Article XXIV (General Regulations) to delete existing Section 150-177 (Accessory use; accessory structures) in its entirety and replace it with a new Section 150-177 entitled "Accessory Uses and Structures" establishing new regulations for the uses and structures which are permitted as accessory to single-family detached residential uses; and further amending Article XXIV (General Regulations) to add a new Section 150-177.1 entitled "Agricultural Uses and Structures" providing regulations for agricultural uses and agricultural structures.

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, 1721 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