

ORDINANCE NO. 64

WORCESTER TOWNSHIP

REVISION TO THE ZONING MAP OF ZONING ORDINANCE OF WORCESTER TOWNSHIP ORDINANCE NO. 61, AS AMENDED

AN ORDINANCE AMENDING THE ZONING MAP ATTACHED TO ZONING ORDINANCE OF 1964 AS AMENDED

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township, and it is hereby Ordained and Enacted by authority of the same:

SECTION 1: That the following described area, presently zoned Agr, shall be and same hereby is redesignated and reclassified as C-Commercial on the zoning map attached to and forming a part of the zoning ordinance of Worcester Township, Ordinance No. 61, as amended July 29, 1972:

ALL THAT CERTAIN tract of land situate in the Township of Worcester, County of Montgomery, Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at the intersection of Township Line Road (33 feet wide) and North Wales Road (33 feet wide) at the center line of both roads, thence north 47 degrees 20 minutes west along the center line of Township Line Road the distance of 272.17 feet to a point, thence north 42 degrees 40 minutes east the distance of 175.00 feet to a point; thence south 47 degrees 20 minutes east the distance of 274.16 feet to a point in the center line of North Wales Road 43 degrees 19 minutes west the distance of 175.01 feet to the point and place of beginning.

CONTAINING 47,805 square feet, more or less.

SECTION 2: This ordinance shall in no other way alter, affect or modify the zoning ordinance of Worcester Township or the zoning map of Worcester Township.

ORDAINED AND ENACTED this eighth day of January 1973.

**BOARD OF SUPERVISORS
WORCESTER TOWNSHIP**

**BY: ALLAN C. MYERS
PRESIDENT**

**ATTEST: RUSSELL H. PLACE
SECRETARY**

WORCESTER TOWNSHIP

ORDINANCE NO. 65

NOTICE IS HEREBY GIVEN that the Board of Supervisors of Worcester Township at their meeting on March 12, 1973, in the Farmers' Union Hall at Center Point (Worcester) PA., at 8:00 P.M., or at a subsequent meeting will consider the passage of the following Ordinance:

ORDINANCE NO. 65

AN ORDINANCE REGULATING AND CONTROLLING THE GRADING, EXCAVATING, REMOVAL OR DESTRUCTION OF TOPSOIL, TREES, OR OTHER VEGETATIVE COVER OR LAND; ESTABLISHING A REQUIREMENT THAT PLAN OR PROPOSALS FOR MINIMIZING EROSION AND SEDIMENTATION BE REVIEWED BY THE WORCESTER TOWNSHIP PLANNING COMMISSION AND APPROVED BY THE BOARD OF SUPERVISORS OF WORCESTER TOWNSHIP; PROVIDING FOR ESCROW GUARANTEES; ESTABLISHING STANDARDS FOR GRADING AND RESPONSIBILITY FOR SEDIMENTATION DAMAGE AND MAINTENANCE OF DRAINAGE FACILITIES AND WATERCOURSES; PROVIDING SPECIFICATIONS FOR THE REQUIRED EROSION AND SEDIMENT CONTROL MEASURES; AND IMPOSING PENALTIES FOR VIOLATIONS THEREOF:

THE BOARD OF SUPERVISORS OF WORCESTER TOWNSHIP DOES HEREBY ENACT AND ORDAIN:

SECTION 1. EROSION AND SEDIMENT CONTROL.

A. Definitions - Unless otherwise expressly stated, the following words shall for the purposes of this Ordinance, have the meaning herein stated, words in the singular number include the plural and words in the plural number include the singular. Present tense includes the future. The word "building" shall be deemed to include the word "structure".

1. Cut: An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

2. Erosion: The removal of surface materials by the action of natural elements.

3. Excavation: Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

4. Fill: Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a full.

5. Flood Plain: The area along a natural watercourse which is periodically overflowed by water therefrom.

6. Land Development: The improvement of one or more contiguous lots, tracts or parcels of land for any purposes involving (a) a group of two or more buildings, or (b) the division or allocation of land between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, building groups or other features; a division of land into lots for the purpose of conveying such lots singly or in groups to any person, partnership or corporation for the purpose of erection of buildings by such person, partnership or corporation.

7. Qualifying tract: Any tract or strip of land having an area of one (1) acre or more.

8. Runoff: The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

9. Runoff from a fully developed area upstream: The surface water runoff that can be reasonably anticipated upon maximum development of that area of the watershed located upstream from the subject tract, as permitted by prevailing zoning or the township comprehensive plan.

10. Sedimentation: The process by which mineral or organic matter is accumulated or deposited by moving wind, water or gravity. Once this matter is deposited (or remains suspended in water) it is usually referred to as "sediment".

11. Slope: The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

12. Soil Stabilization: Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise improve its engineering properties.

13. Subdivision: The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development; Provided, however, that the division of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access shall be exempted.

14. Swale: A low lying stretch of land which gathers or carries surface water runoff.

15. Top Soil: Surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Top soil is usually found in the uppermost soil layer called the A Horizon.

16. Watercourse: A permanent stream, intermittent stream, river, brook, creek or a channel or ditch for water, whether natural or man-made.

B. For qualifying tracts, no changes shall be made in the contour of the land; no grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been processed with and reviewed by the municipal planning agency, or there has been a determination by the Township Engineer that such plans are not necessary.

C. No subdivision or land development plan shall be approved unless (1) there has been a plan approved by the Board of Supervisors that provides for minimizing erosion and sedimentation consistent with this Section, and an improvement bond or other acceptable securities are deposited with the Township in the form of an escrow guarantee which will ensure installation and completion of the requires improvements; or (2) there has been a determination by the Board of Supervisors that a plan for minimizing erosion and sedimentation is not necessary.

D. Measures used to control erosion and reduce sedimentation shall as a minimum meet the standards and specifications of the Montgomery County Soil and Water Conservation District. The Township Engineer, or other officials as designated, shall ensure compliance with the appropriate specifications, copies of which are available from the District or the Secretary of Worcester Township.

SECTION 2. PERFORMANCE PRINCIPALS

The following measures are effective in minimizing erosion and sedimentation and shall be included where applicable in the control plan:

A. Stripping of vegetation, regrading or other development shall be done in such a way that will minimize erosion.

B. Development plans shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.

C. Whenever feasible, natural vegetation shall be retained, protected, and supplemented.

D. The disturbed area and the duration of exposure shall be kept to a practical minimum.

E. Disturbed soils shall be stabilized as quickly as practicable.

F. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.

G. The permanent (final) vegetation and structural erosion control and drainage measures shall be installed as soon practical in the development.

H. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary the rate of surface water runoff will be structurally retarded.

I. Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, slit traps, or similar measures.

SECTION 3. GRADING FOR DRAINAGE.

In order to provide more suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:

A. All lots, tracts, or parcels shall be graded to provide proper drainage away from buildings and dispose of it without ponding, and all land within a development shall be graded to drain and dispose of surface water without ponding, except where approved by the Board of Supervisors.

B. All drainage provisions shall be of such design to adequately handle the surface runoff and carry it to the nearest suitable outlet such as a curbed street, storm drain, or natural watercourse. Where drainage swales are used to divert surface waters away from buildings, they shall be sodded or planted as required and shall be of such slope, shape and size as to conform with the requirements of the Township.

C. Concentration of surface water runoff shall only be permitted in swales or watercourses.

D. Excavation and fills.

1. Cut and fill slopes shall not be steeper than 2:1 unless stabilized by a retaining wall or cribbing, except as approved by the Board when handled under special conditions.

2. Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations of the sloping surfaces of fills.

3. Cut and fills shall not endanger adjoining property.

4. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.

5. Fills shall not encroach on natural watercourses or constructed channels.

6. Fills placed-adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.

7. Grading will not be done in such a way so as to divert water onto the property of another landowner without the expressed consent of the Board.

8. During grading operations, necessary measures for dust control will be exercised.

9. Grading equipment will not be allowed to cross live streams. Provision will be made for the installation of culverts or bridges.

SECTION 4. DESTRUCTION OF TREES

In order to maintain the supply of natural vegetation, prevent erosion of the topsoil on the site and surrounding properties, foster the retention of ground water supply, and generally attempt to maintain the ecological balance in the Township, the following requirements shall be met:

A. Every existing tree with a trunk eight (8) inches or more in caliber (measured at five feet above existing ground line) which is destroyed because of street alignment, building placement, parking area location, grading or otherwise shall be replaced with one (1) new tree with a trunk of not less than three (3) inches in caliber measured at four feet above ground line.

B. Such new trees shall not be planted on the lot as street trees.

C. Any such new trees that die or are sickly shall be replaced within six months.

SECTION 5. RESPONSIBILITY

A. Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible.

B. Maintenance of all drainage facilities and watercourses within any subdivision or land development is the responsibility of the developer until they are accepted by the Township or some other official agency, after which they become the responsibility of the accepting agency.

C. It is the responsibility of any person, corporation or other entity doing any act on or across a communal stream, watercourse or swale or upon the flood plain or ROW thereof, to maintain, as nearly as possible, in its present state the stream, watercourse, swale flood plain or ROW during the pendency of the activity and to return it to its original or equal condition after such activity is completed.

D. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to their point of open discharge at the property line or at a communal watercourse within the property.

E. No person, corporation or other entity shall block, impede the flow of, alter, construct any structure or deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or watercourse without having obtained prior approval from the Township of Pa. Department of Forests and Waters, whichever is applicable.

F. Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement or Right-of-Way conforming substantially with the line of such watercourse, and of such width as will be adequate to preserve natural drainage.

G. Each person, corporation, or other entity which makes any surface changes shall be required to:

1. Collect on-site surface runoff and dispose of it to the point of discharge into the common natural watercourse of the drainage area.

2. Handle existing and potential off-site runoff through his development by designing to adequately handle storm runoff from a fully developed area upstream.

3. Pay his proportionate share (i.e. the proportion that the area of his land bears to the area of the fully developed drainage area) of the total cost of off-site improvements to the common natural watercourse, based on a fully developed drainage area.

4. Provide and install at his expense, in accordance with Township requirements, all drainage and erosion control improvements (temporary and permanent) as required by the Erosion and Sediment Control Plan.

H. It is the responsibility of the Township to keep all major streams, not under the jurisdiction of any other official agency, open and free flowing.

I. The Township will assume the responsibility for maintaining an open and free flowing condition in all minor streams, watercourses and drainage systems, constructed or improved in accordance with Township design criteria, which are necessary for proper drainage in the discretion of the Township if adequate Right-of-Way exists or can be acquired.

J. The Township shall be required to:

1. Assess and collect the cost of off-site improvements to the common natural watercourse except those required to existing State roads. Collection may be delayed until the assessed land is approved for development.

2. Acquire easements for such common natural watercourse improvements.

3. Supervise such improvement to completion.

SECTION 6. COMPLIANCE WITH REGULATIONS AND PROCEDURES

A. The Board of Supervisors in its consideration of all preliminary plans of subdivision and land development shall condition its approval upon the execution of erosion and sediment control measures as contained in Section 2, 3, 4 and 5 of this Ordinance.

B. The installation and design of the required erosion and sediment control measures shall be in accordance with the standard specifications on file with the Township, including specifications for the following:

1. Debris Basin.
2. Grade Stabilization Structure.
3. Grassed Waterway or Outlet.
4. Mulching

5. Sodding
6. Temporary Cover for Critical Areas
7. Temporary Diversion
8. Permanent Diversion
9. Permanent Grass and Legume Cover for Critical Areas on Prepared Seedbed
10. Permanent Grass and Legume Cover for Critical Areas on Unprepared Seedbed
11. Drainage - Main or Lateral
12. Drain
13. Stream channel construction on watersheds with drainage areas in excess of 320 acres, or in those cases where downstream hazards exist, will conform to the criteria established by the Power and Water Resource Board, Pa Department of Forests and Waters.

C. Final plans for minimizing erosion and sedimentation as approved will be incorporated into the agreement and bond requirements as required under Section 1 C. of this Ordinance.

D. The approval of plans and specifications for the control of erosion and sedimentation shall be concurrent with the approval of the final plats of subdivision or land development and become a part thereof.

E. At the time that a building permit is applied for a review shall be conducted by the Township Engineer to insure conformance with the Plan, as approved. During the construction further consultative technical assistance will be furnished, if necessary, by the Township Engineer and the Montgomery County Soil and Water Conservation District. During this development phase the Township Engineer shall inspect the development site and enforce compliance with the approved plans.

F. Permission for clearing and grading prior to recording of plats may be obtained under temporary easements or other conditions satisfactory to the Township.

G. In the event the developer proceeds to clear and grade prior to recording plats, without satisfying conditions specified under sub-paragraph F., the Board may revoke the approval of the preliminary plan.

SECTION 7. VIOLATIONS AND PENALTIES

A. When written notice of a violation of any of the provisions of this Ordinance has been served by the Township Engineer, or any other person designated by him, such violation shall be discontinued immediately.

B. Any person violating any of the provisions of this Ordinance shall be liable on conviction thereof, to a penalty not exceeding \$500.00 for each and every offense, and whenever such person shall have been notified by the Township Engineer or by service of a summons in a prosecution or other written notice, that he is committing such violations of this Ordinance, each day that he shall continue such violation after such notification shall constitute a separate offense punishable by a like fine or penalty. Such fines or penalties shall be collected as like fines or penalties are now by law collected.

SECTION 8. REMEDIES

In case any work is performed by any person in violation of any of the provisions of this Ordinance, the proper official of this Township in addition to other remedies, may institute in the name of the Township, any appropriate action or proceeding at law or in equity, whether by legal process or otherwise, to prevent such unlawful work and to restrain and abate such violations.

SECTION 9. SEVERABILITY

If any portion of this Ordinance is for any reason declared to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 10. REPEAL

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

ORDAINED AND ENACTED by the Board of Township Supervisors of Worcester Township and enacted into an Ordinance this 12th day of March 1973.

Russell H. Place
Secretary

ORDINANCE NO. 66

WORCESTER TOWNSHIP

PROVIDING FOR AN ADDITION TO SECTION 602.2 OF ARTICLE VI OF THE WORCESTER TOWNSHIP ZONING ORDINANCE TO FURTHER CLARIFY LANDSCAPING AND PLANTING REQUIREMENTS FOR MULTI FAMILY HOUSING USE

BE IT ORDAINED AND ENACTED by the board of Supervisors of Worcester Township and it is hereby Ordained and Enacted as follows:

SECTION 1. That Section 602.2 of Article VI be added to as follows:

F. Buffer Areas. Where more than one building for multi-family housing use is to be erected upon a tract of land, an unbuilt-upon buffer strip shall be provided between such buildings and adjoining properties. This buffer area shall be a minimum of 75 feet in width. It shall be landscaped and maintained by the developer and/or owner in shrubbery, trees and other plant materials, or both, as specified in the following subsection. Buffer areas may not be used for parking areas nor for recreational purposes.

G. Shrubbery and Trees. A buffer planting strip of not less than twenty (20) feet in width shall be provided in the buffer area. All buffer planting strips shall include a dense screen planting of trees, shrubs, or other plant materials, or both, to the full length of the lot line to serve as a barrier to visibility, air borne particles, glare, and noise. Such planting shall be located within the exterior fifty (50) feet of the buffer area, and shall be in accordance with the following requirements:

1. Plant materials used in screen planting shall be at least five or six feet in height when planted and be of a species as will produce, within two years, a complete year-round evergreen visual screen at a height of five (5) feet. Required types of evergreen plant materials are hemlock, pine, spruce, fir, holly, and yew species, - other species only when approved in writing by the Township planning agency.

2. The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within six (6) months.

3. The screen planting shall be so placed that at maturity it will not be closer than three (3) feet from any ultimate right-of-way or property line.

4. A clear-sight triangle shall be maintained at all street intersections and at all points where private vehicular accessways intersect public streets.

5. The screen planting shall be broken only at points of vehicular or pedestrian access.

6. Plans for buffer yards shall be submitted for review by the Township planning agency and approval by the Board of Supervisors.

Deciduous trees shall be planted in the buffer area left over from the buffer strip, and shall be planted at least twenty (20) feet away from the strip, and so placed that when matured the branches of the adjoining trees will about meet. Such trees shall be not less than 2" to 2-1/2" diameter at the base of the tree at time of planting. Such trees shall be maintained in a healthy condition, or replaced by new trees within six months.

ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township this fourteenth day of March 1973 A.D.

ATTEST: RUSSELL H. PLACE
SECRETARY

JOHN D. CHAMBERS
VICE-CHAIRMAN

ORDINANCE NO. 67

WORCESTER TOWNSHIP

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township, and it is hereby Ordained and Enacted by authority of the same:

SECTION 1. That the following described area presently zoned Agricultural shall be and the same hereby is redesignated and reclassified as R-150 Residential on the Zoning Map attached to and forming a part of the Zoning Ordinance of Worcester Township, Ordinance No. 61, as amended July 29, 1972:

ALL CERTAIN tract of land situate in the Township of Worcester, County of Montgomery, Commonwealth of Pennsylvania, bounded and described as follows, to wit:

Beginning at the intersection of North Wales Road and Bean Road at the center line of both roads, thence in a northwesterly direction along the center line of Bean Road the distance of 616 feet to a point, thence in a southwesterly direction along the property line separating the Tierney/Zimmerman property from the n/l Ware property, the distance of 1100 feet to a point, thence in a southeasterly direction at a 90 degree angle the distance of 230 feet to a point, thence in a northeasterly direction at a 90 degree angle the distance of 655.46 feet to a point, being the north corner of the n/l Knoller property, thence in a southeasterly direction along the northeast property line of the n/l Knoller property line the distance of 386 feet to a point in the center line of North Wales Road, thence in a northeasterly direction along the centerline of North Wales Road the distance of 444.54 feet to the point and place of beginning.

Containing 9 and three quarters acres more or less.

SECTION 2. This Ordinance shall in no other way alter, affect or modify the zoning ordinance of Worcester Township or the zoning map of Worcester Township.

ORDAINED AND ENACTED this ninth day of July, 1973, A.D.

Board of Supervisors of
Worcester Township

Allan C. Myers
Chairman

Attest: Russell H. Place
Secretary