

**WORCESTER TOWNSHIP PLANNING COMMISSION MEETING
WORCESTER TOWNSHIP COMMUNITY HALL
1031 VALLEY FORGE ROAD, WORCESTER, PA 19490
THURSDAY, FEBRUARY 9, 2017, 7:30 PM**

CALL TO ORDER by Mr. Todd at 7:32 PM

ATTENDANCE

PRESENT: GORDON TODD [X]
 PAT QUIGLEY [X]
 CHRIS DAVID [X]
 DOUG ROTONDO [X]
 RICK DELELLO [X]

1. January 26, 2017 Meeting Minutes – Mr. Rotondo motioned to approve the January 26, 2017 Meeting Minutes, amended to correct (1) page 2, “the lower coverage limit”, and (2) page 3, “Kim David”, second by Ms. Quigley. There was no public comment. By unanimous vote the motion was approved.
2. Center Point Village Zoning Ordinance – Mr. Todd noted the ordinance review comments included in his February 1 correspondence.

Mr. Todd noted possible revisions to the bubble plan, and the potential inclusion of additional mixed-use preservation areas. Mr. Todd commented on the proposed density for residential uses, and this being higher than that he had envisioned. Mr. Todd commented on the commercial development at the Palmer property.

Mr. DeLello commented on the Center Point Village Vision Plan, and the assignment tasked to the Planning Commission.

Ms. David commented on ordinances that yield development that is not complementary to the original intent of the ordinance. Ms. David commented on dwelling and building sizes relative to the development of a village atmosphere.

Ms. Quigley commented on striking a balance between enacting controls on development and providing for the economic viability of future projects.

Mr. DeLello commented on proposed density for residential uses, and the potential to index density to housing type. Ms. Quigley noted a professional planner might recommend the appropriate density for each housing type.

Ms. Quigley commented on building size, gas station canopies size and design, and the provision of drive-through facilities.

Mr. DeLello inquired as to uses that may be prohibited in the proposed CPV-1 district.

Ms. David commented on potential revisions to the sign ordinance, and the extent to which development in the Village would be subject to existing sign regulations.

Ms. Quigley noted the Members appeared to agree that smaller-scale development is appropriate for the Village, and she commented on additional consideration for density limits.

E. Van Rieker, Consultant for the owners of the Palmer property, commented on the size of the proposed commercial buildings, and on the proposed residential density, at this property. Mr. Rieker noted proposed open space areas, and he commented on the vehicular circulation around the buildings, and the option to screen these areas through the use of knee-walls and landscaping. Mr. Rieker commented on the number of fuel filling stations presently sought by convenience stores.

Bob Andorn, Worcester, commented on the proposed ordinance and Montgomery County Planning Commission ordinance preferences, revisions required before the ordinance moves to the Board of Supervisors, the flexibility of development standards, the number of fuel filling stations at convenience stores, and the location of a convenience store use at the Palmer property.

Mr. DeLello commented on desired scale, density and uses. He recommended the Planning Commission receive direction from the Board of Supervisors on these key concepts before developing more detailed regulations.

PUBLIC COMMENT

- There was no additional public comment at this evening's meeting.

ADJOURNMENT

There being no further business before the Planning Commission, Mr. Todd adjourned the meeting at 8:56 PM.

Respectfully Submitted:

Tommy Ryan
Township Manager



CKS Engineers, Inc.
88 South Main Street
Doylestown, PA 18901
215.339.1100 • FAX 215.339.1101

Joseph J. Nolan, P.E.
Thomas T. Zarko, P.E.
James F. Weiss
Patrick P. DiGangi, P.E.
Ruth Cunnane
Michele A. Tourtam, P.E.

February 16, 2017
Ref: # 7460

Township of Worcester
1721 Valley Forge Road
PO Box 767
Worcester, PA 19490-0767

Attention: Tommy Ryan, Township Manager

Reference: Whitehall Estates Subdivision
Revised Sewage Facilities Planning Module -Component 3 Review

Dear Mr. Ryan:

I have completed my review of the revised Sewage Facilities Planning Module (Component 3) as prepared for the Whitehall Development Partners, LP- Whitehall Estates, by Ebert Engineering, Inc. This planning module package is dated August 9, 2016 with the latest revision date of February 8, 2017. Also included with the revision package is a letter from Ebert Engineering Inc., dated February 8, 2017. This letter responds point by point to the review comments set forth in my third review letter of the planning module package which was dated January 17, 2017. This planning module package has been submitted in conjunction with the Whitehall Estates subdivision, which proposes utilizing the wastewater treatment plant currently owned and operated by Aqua Pennsylvania Wastewater Inc. This wastewater facility currently serves the Stony Creek Farms Development, and this project proposed to utilize one of the sewage pumping stations contained within that system, as well as capacity at the wastewater treatment plant which was constructed in conjunction with the Stony Creek Farms Development. This planning module submission is being submitted to Worcester Township for review, since Worcester must pass a resolution to revise its current Act 537 Plan to allow the Whitehall Estates project to utilize the sewer capacity and sewer system owned by Aqua. Prior to passing the resolution, the Township has requested I review and confirm the information contained in this latest planning module submission.

Base on my review of the revised submittal package, I offer the following comments.

1. All technical comments set forth in my review letter of January 17, 2017 have been addressed as requested.
2. A copy of the Sewage Facilities Planning Module - Component 4A - Municipal Planning Agency Review has been included in this submission. This document will need to be completed by the Worcester Township Planning Commission for inclusion in the final submission to DEP. A copy of this Component 4A should be submitted to the Township Planning Commission for consideration and approval at an upcoming Planning Commission Meeting. It is my understanding this will be considered at the February 23, 2017 Planning Commission Meeting.

February 16, 2017

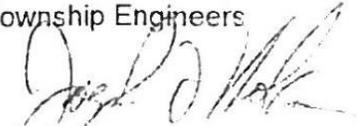
Ref: # 7460

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3. After completion of module component 4A by the Planning Commission, the 30-day Public Notice can be advertised, as required.
4. A copy of the easement required for the force main connection in Brindle Court should be included in the Module Package in Appendix A, once it is executed. This should be added prior to submission of the module to DEP.
5. After the 30-day Public Notice period, and any responses to received comments, the Worcester Board of Supervisors can consider adopting the resolution for revising the existing Township Act 537 Plan.
6. There are numerous places throughout the module that will require signatures by appropriate Township officials. These locations will be identified for proper signatures prior to the completed module submission to DEP.

The above represents all comments on this latest planning module submission. Please contact me if you have any additional questions or comments regarding this submission.

Very truly yours,
CKS ENGINEERS, INC.
Township Engineers


Joseph J. Nolan, P.E.

JJN/paf

cc: Robert L. Brant, Esq., Township Solicitor
Rolph Graf, Graf Engineers
Tara Bernard, Ebert Engineering, Inc.
Brennan Marion, Whitehall Development Partnership, LP.
File

February 2017

CPV-1 District Draft

**MONTGOMERY COUNTY
BOARD OF COMMISSIONERS**

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



**MONTGOMERY COUNTY
PLANNING COMMISSION**

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JODY L. HOLTON, AICP
EXECUTIVE DIRECTOR

DATE: February 2017
SUBJECT: Center Point Village Zoning District
TO: Worcester Township
FROM: Brandon Rudd, Senior Planner, Community Planning
John Cover, Section Chief, Community Planning

The following is a list of changes from the discussion at the January 2017 Township Planning Commission meeting:

1. Fixed some typos pointed out by Chris David, including numbering references.
2. Changed maximum impervious in CPV-2 and non-residential uses in CPV-1 from 85% to 60%
3. Took out the provision allowing a drive lane between the buildings and street in CPV-2. Parking lots must be located to the rear or side of the building.
4. Took out all conditional uses. All uses are now strictly by-right.
5. Added a provision to limit the number of pumps that a gas station can have to six.
6. Added a reference to the sign standards for commercial businesses.
7. Added a provision to clarify that a shopping center includes multiple (three or more) retail uses.
8. Added a clarification at the end of the CPV-2 District that the SALDO standards apply to that district as well.

Center Point Village Zoning District 1 (CPV-1)**§150-249.1 Intent.**

The primary purpose of the Center Point Village (CPV-1) District is to permit a mix of various housing types, commercial businesses, and institutional buildings in a walkable village with a sense of community and place as outlined in the goals and concepts illustrated in the document entitled, *A Vision for Center Point Village*—adopted by Worcester Township to guide the development in the area around the historic crossroads of Skippack Pike and Valley Forge Road, which serves as the geographic heart of both Worcester Township and Montgomery County. To those ends, the Center Point Village District 1 is intended to:

- A. Create a mixed use, village character.
- B. Allow a range of small scale commercial and institutional uses within easy walking distance of adjoining residential homes.
- C. Accommodate a variety of housing types.
- D. Ensure that commercial uses have a character that is compatible with the existing historic character of Worcester Township, as well as future residential uses within the district.
- E. Promote pedestrian orientation of streets and buildings to ensure a walkable village setting.
- F. Develop businesses, streets, parks, open spaces, and homes that promote social interaction as well as privacy.
- G. Give priority to pedestrian movement along sidewalks and trails and access to commercial areas, open spaces, and streets; and discourage design that gives priority to vehicular convenience only.
- H. Create a street circulation system with sidewalks and trails that provides safe and convenient access but discourages fast or heavy traffic that is incompatible with a residential neighborhood.
- I. Use scale, building orientation, and landscaping to establish community identity.
- J. Use open and recreational spaces as community focal points.
- K. Encourage the residential density necessary to support retail uses in Center Point Village so that residents of the village will have the option of walking or biking to nearby amenities.
- L. Preserve rural areas of the township by concentrating development in and around the existing Center Point Village.

- M. Provide an appropriate receiving zone for the transfer of development rights (TDR).
- N. Fulfill the purposes and objectives outlined in Article VII-A "Traditional Neighborhood Development" of the Pennsylvania Municipalities Planning Code (Act No. 247 of 1968, as reenacted and amended).

Section 150-249.2 Site Layout

The overall site plan for any new development within the CPV-1 District shall generally adhere to the final land use bubble plan on page 22 of the document entitled *A Vision for Center Point Village*, adopted on October 15, 2014 (included here as Appendix 1). An alternative site layout may be used in the event that the applicant and the Board of Supervisors agree that such a layout would be preferable in order to implement the overall vision of the aforementioned document.

Section 150-249.3 Permitted Uses.

The following uses are permitted in the CPV-1 District according to tract size:

- A. Tracts of less than 3 Acres at the time of the adoption of this ordinance.
 - (1) Anywhere in the district, the following residential uses, alone or in combination:
 - (a) Single-family detached dwellings.
 - (b) Village single dwellings.
 - (c) Twin homes
 - (d) Townhouses
 - (e) Carriage homes
 - (f) The conversion of existing structures, constructed prior to 1940, into multi-family buildings.
 - (2) Park and open space uses, including neighborhood open space, passive open space, and active recreation uses.
 - (3) Municipal uses, including township administration buildings, fire stations, and other similar uses.
 - (4) On lots with frontage along Skippack Pike or Valley Forge Road, the following non-residential uses, individually or combined within a building, provided that such uses do not extend more than 300' from the ultimate right-of-way of Skippack Pike or Valley Forge Road:

- (a) Retail commercial uses, personal service businesses, restaurants, and financial establishments, provided no drive-through facilities are provided for any of these uses.
 - (b) Bed and breakfast establishments.
 - (c) Small-scale offices in converted residential structures.
 - (d) Mixed use buildings with non-residential uses on the first floor and residential use on subsequent floors or a mixture of non-residential and residential uses on subsequent floors. These buildings shall comply with all standards for non-residential buildings.
- (5) Transferred development rights in accordance with Article XXIX – Transferable Development Rights of the Worcester Township Zoning Code.
- B. Tracts of 3 or more acres at the time of the adoption of this ordinance and parcels combined to create tracts of 3 or more acres shall choose one of the following options.
- (1) Mixed Residential Development, which shall include a mix of residential uses listed above in Section 150-249.3.A(1), provided the development meets the residential mixing requirements in Section 150-249.7.A.
 - (2) On tracts with frontage on Skippack Pike or Valley Forge Road, Mixed Use Development, which shall include a mix of uses listed above in Section 150-249.3.A, provided the development meets the mixed use requirements in Section 150-249.7.B.
 - (a) When utilizing the Mixed Use Development option, non-residential uses shall not extend more than 300 feet from the ultimate right-of-way of Valley Forge Road or Skippack Pike. All other lots shall have a residential use listed above in Section 150-249.3.A(1) or open space use listed above in Section 150-249.3.A(2).
 - (3) Transferred development rights in accordance with Article XXIX – Transferable Development Rights of the Worcester Township Zoning Code.

Section 150-249.4 Density.

A. Residential Density.

- (1) The base density for residential portions of all developments shall be one (1) dwelling unit per acre if no bonuses are utilized. Residential portions of developments shall have a maximum overall density of four (4) dwelling units per acre when utilizing all bonuses, as outlined in Section 150-249.6.

- (2) The residential portion of developments shall include the entire tract area minus the area of any non-residential lots and existing legal right-of-ways. The residential acreage may include residential lots, newly proposed streets, and open space areas. Mixed use buildings containing non-residential uses and apartment dwellings shall be considered residential for the purposes of calculating residential density.

Section 150-249.5 Transferable Development Rights.

The Center Point Village-1 District shall be established as a Transferable Development Rights (TDR) receiving zone, in accordance with the provisions of Article XXIX of the Worcester Township Zoning Code. Transferrable Development Rights may be used to increase the base density by up to 1.5 dwelling units per acre as outlined in Section 150-249.6, below.

Section 150-249.6 Bonuses.

Developments within the CPV-1 District shall qualify for an increase in density as follows. The applicant shall be required to provide additional information in order to demonstrate that the bonus feature standards will be met. Unless stated otherwise in the table below, each "bonus feature" category may be utilized to earn a density bonus only one time.

- A. Bonus features, as required in the table below, shall entitle the applicant to an incremental increase in density, up to four (4) dwelling units (DUs) per acre. If the applicant transfers at least two (2) TDRs into the CPV-1 District, the applicant shall also be exempt from the residential mix requirement in Section 150-249.7A and Section 150-249.7.B(2) below.

Bonus Feature	Bonus Dwelling Units (DUs) per Acre	Bonus Feature Standard
Open Space	0.25	0.25 DUs per acre may be earned for each additional 5% open space provided above and beyond the base requirement. Up to 0.5 DUs per acre may be earned using this bonus.
Preserved woodland areas or mature trees	0.25	The preservation of at least 50% of mature trees or woodland areas on site shall qualify. Compliance with this provision shall be determined by the Township Engineer.
Off-site pedestrian improvements	0.5	Off-site pedestrian improvements to Skippack Pike or Valley Forge Road that further the goals of <i>A Vision for Center Point Village</i> . To qualify the applicant shall construct new sidewalks or upgrade existing sidewalks to the township's specifications by widening, adding street furniture, and/or adding decorative elements. The required sidewalk improvement and/or construction shall be equal

		in length to the greatest dimension of the development tract. The township shall decide if proposed improvements satisfy this bonus, and all improvements shall be in addition to the other requirements of this ordinance, and the Worcester Township Subdivision and Land Development Ordinance.
Existing historic buildings	0.5	Any applicant that proposes to retain and use any and all principal buildings on the property that were constructed before 1940 shall qualify, so long as the buildings are not altered in a manner that is incompatible with their historic character. Which structures constitute principal buildings, and compatibility with historic character shall be determined by the Board of Supervisors. Preservation of existing historic buildings shall not count toward the overall density of the development.
Trail improvements	0.25	Trail improvements that further the goals of <i>A Vision for Center Point Village</i> by providing linkages depicted within that plan. To qualify the applicant shall build a trail that is equal in length to the trail segment shown on the tract in the final land use bubble plan in <i>A Vision for Center Point Village</i> . If no segment is depicted across the tract, the applicant shall build a trail elsewhere in the village equal to or greater in length than the greatest dimension of the development tract.
Combining parcels	0.25	Combining existing parcels of less than 3 acres to create a new tract of land that is 3 acres or more in size in order to create a Mixed Residential Development or Mixed Use Development.
Transfer of Development Rights (TDR)	1.5	The applicant may utilize TDRs for an increase in density of up to 1.5 DUs per acre, in accordance with Article XXIX of the Worcester Township Zoning Code and Section 150-249.5, above.

Section 150-249.7 Mix Requirements.

A. Mixing Requirements for Mixed Residential Developments. All Mixed Residential Developments shall meet the following mixing requirements:

- (1) The development shall include at least two of the following housing types: single-family detached, village house, twin homes, townhouse, carriage home, or multi-family in a converted existing structure built prior to 1940. To qualify as one of the two required housing types, a housing type must comprise at least twenty percent (20%) of the total housing units in the development. No housing type may exceed sixty percent (60%) of the total housing units in the development.

- (2) At least thirty-five percent (35%) of the tract area shall consist of open space, in accordance with the requirements of Section 150-249.12. Applicants may earn a density bonus as outlined in 150-249.6 for providing additional open space.

B. Mixing Requirements for Mixed Use Developments. When the Mixed Use Development option is chosen, the mix of uses shall adhere to the following requirements:

- (1) All Mixed Use Developments shall meet the following mix requirements:

<u>Type of Use</u>	<u>Min. % of Land Area</u>	<u>Max. % of Land Area</u>
Open Space	35%	N/A
Residential	20%	60%
Non-Residential	5%	45%

- (2) The development shall include at least two of the following housing types: single-family detached, village house, twin homes, townhouse, carriage homes, or multi-family in a converted existing structure built prior to 1940. To qualify as one of the two required housing types, a housing type must comprise at least twenty percent (20%) of the total housing units in the development.

Section 150-249.8 Residential Dimensional Requirements.

Residential development shall meet the following dimensional criteria. In the case that a development is unlotted, compliance with equivalent lot standards shall be demonstrated.

	Single-Family Detached	Village Single	Twin Home	Townhouse	Carriage Home	Multi-Family**
Min. Net Lot Area	8,500 sq. ft. per du	5,000 sq. ft. per du	3,600 sq. ft. per du	2,400 sq. ft. per du	3,200 sq. ft. per du	8,500 sq. ft. per du
Max. Net Lot Area	10,000 sq. ft. per du	6,500 sq. ft. per du	5,000 sq. ft. per du	N/A	N/A	10,000 sq. ft. per du
Min. Lot Width	80 feet	60 feet	36 feet	24 feet	28 feet	80 feet
Required front façade location when not facing a principal arterial (When facing a principal arterial, add 10 feet to each requirement)	Not less than 15 or more than 25 feet from the outer edge of the sidewalk or R.O.W.	Not less than 10 or more than 25 feet from the outer edge of the sidewalk or R.O.W.	Not less than 15 or more than 25 feet from the outer edge of the sidewalk or R.O.W.	Not less than 5 or more than 25 feet from the outer edge of the sidewalk or R.O.W.	Not less than 15 or more than 25 feet from the outer edge of the sidewalk or R.O.W.	N/A
Min. Side Yard	10 feet min, 25 aggregate	5 feet min, 15 aggregate	12 feet	12 feet per end unit	14 feet per end unit	10 feet min, 25 aggregate
Min. Rear Yard	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet

Max Building Coverage on a lot	25%	30%	35%	50%	60%	25%
Max. Impervious Coverage on a lot*	40%	50%	60%	70%	80%	40%
Max Building Height	35 feet					
Max. Dwelling Units per Building	N/A	N/A	N/A	6	4	4

*The Maximum Impervious Coverage at the time of development shall be 5% less than the total listed in the table above. The additional allowable impervious coverage, up to the amount listed in the table above, shall be reserved for the use of the home owner.

**Multi-family refers to units in a converted existing structure, constructed prior to 1940. Existing non-conformities are exempt from these dimensional requirements, so long as non-conformities are reduced to the best extent possible.

Section 150-249.9 Non-Residential Dimensional Requirements.

	Non-Residential Buildings
Min. Net Lot Area	10,000 sq. ft.
Min. Lot Width	70 feet
Required front façade location when not facing a principal arterial (When facing a principal arterial, add 10 feet to each requirement)	Not less than 0 or more than 20 feet from the outer edge of the sidewalk. An additional 15 feet may be added if improved open space in accordance with §150-249.12.B(1)(a) is placed between the outer edge of the sidewalk and the front façade of the building. Additional buildings may be placed on a lot without meeting this requirement when the additional building is smaller than and behind a building meeting this requirement
Min. Side Yard	15 feet
Min. Rear Yard	30 feet
Max Building Coverage on a lot	40%
Max. Impervious Coverage on a lot	60%
Max Building Height	35 feet
Max. Dwelling Units per Building (Mixed Use Buildings)	4
Min. Distance Between Buildings on Same Lot	20 feet
Max. Building Length	100 feet for facades facing a street

Section 150-249.10. General Requirements.

- A. All developments must provide open space in compliance with Section 150-249.12, herein.
- B. Utilities. All developments shall be served by public sewer and public water.

- C. Ownership. Any land area proposed for development shall be in one ownership or shall be subject to a joint application filed by every owner of the land area proposed for development, under single direction, using one overall plan and complying with all requirements of the CPV-1 District.
- D. Ownership and Maintenance of Common Open Space and Facilities. Ownership and maintenance of common open space and other common facilities shall be provided in accordance with the regulations in Section 150-249.110.12 of the Worcester Township Code. All open space shall be permanently deed restricted from future subdivision and development.

Section 150-249.11. Design Standards.

All development in the CPV-1 District shall comply with the Worcester Township Subdivision and Land Development Ordinance (SALDO), except in the case that the requirements herein conflict with those requirements, whereby the standards in this ordinance shall apply. All development shall meet the following design standards:

A. General Layout of Mixed Use Developments and Mixed Residential Developments

- (1) Mixed Use Development shall be laid out so that all non-residential uses, including mixed-use buildings, shall have frontage along Skippack Pike or Valley Forge Road.
- (2) Non-residential buildings shall be placed to make walking to open space and residential areas easily accessible to pedestrians by providing an interconnected system of sidewalks and trails.

(3) Streets

- (a) Streets shall be interconnected with each other and with streets on abutting properties in an interconnected modified grid pattern.
- (b) Cul-de-sacs shall be not be permitted in the CPV-1 District unless no other options are practical. The use of cul-de-sacs must be recommended by the Worcester Township Planning Commission.

[1] When allowed, cul-de-sacs shall not serve more than eight dwelling units and shall not exceed three hundred twenty (320) feet in length.

- (c) Street trees shall be required along all streets in accordance with Section 130-28.G(4) of the Worcester Township Subdivision and Land Development Ordinance (SALDO) with the exception of the following requirement, which shall supersede the requirements of the SALDO:

[1] Street trees shall be placed in a grass buffer strip between the curb and sidewalk that is a minimum of eight (8) feet wide.

- (d) Between any two intersections on a residential street, the setbacks of all buildings shall be the same along the entire segment of street and on both sides of the street. This is in addition to the front façade location requirements of Section 150-249.8.

(4) Alleys

- (a) Alleys should be one way when feasible. One-way alleys shall be fourteen (14) feet wide, and two-way alleys shall be eighteen (18) feet wide. Traffic calming devices such as speed humps shall be incorporated into the alleys when feasible.

B. Building Design Standards

(1) Non-Residential and Mixed-Use Buildings shall meet the following requirements:

- (a) Building Footprint and Total Commercial Area. The maximum building footprint of non-residential and mixed-use buildings shall not exceed five thousand (5,000) square feet and the total square footage devoted to commercial use in a building shall not exceed 5,000 square feet.

(2) Residential Building Design Standards

- (a) All dwelling units must have at least one primary entrance in the front facade. For twin homes, this requirement may be met if at least one of the units has its primary entrance in the front facade.
- (b) Townhouse buildings may contain no more than six (6) attached dwelling units.
- (c) Carriage homes buildings may contain no more than four (4) attached dwelling units.
- (d) Village single dwellings must meet all of the following criteria:
 - [1] A sidewalk through the front yard, leading from the street sidewalk or curblin to the front door or front porch of the Village House.
 - [2] If the village single dwelling has a front-facing garage then the garage must be located at least ten (10) feet behind the building's front façade and the garage door shall include architectural features that are similar to the ones used on the main house. The garage door shall also have windows.

[3] All village single dwellings shall contain at least two of the following features. Whichever two options are chosen shall apply to all village houses within a development to create a sense of architectural unity:

[a] An unenclosed porch, extending across at least one-third of the front of the house, excluding the garage, being at least six (6) feet in depth.

[b] A front yard enclosed by a picket fence at least thirty (30) inches but no more than thirty-six (36) inches in height.

[c] A rear-facing garage that is accessed by a rear alley, with no access taken from the primary street in front of the village single dwelling.

C. Parking Standards

(1) Residential garages, parking lots, and/or driveways should not be the dominant aspect of the building design, if visible from the street, parking lots shall be buffered and garage doors shall have decorative elements such as windows, decorative hardware and shall not be white.

(2) Non-Residential Parking Design Standards. Off-street parking for non-residential buildings shall comply with the following requirements.

(a) Off-street parking shall be visually screened from existing and proposed streets by hedges, walls, buffer plantings, or similar site elements. Such screens shall be between two (2) feet and four (4) feet high.

(b) Parking areas on abutting non-residential lots shall be interconnected by access driveways when deemed feasible by the Board of Supervisors.

(c) Each non-residential lot shall provide easements for its parking areas and access driveways guaranteeing access and use to all other non-residential lots within the tract.

(d) Non-residential parking lots shall be set back at least ten (10) feet from residential lots.

(3) Single-Family Detached Parking Design Standards. Garages for single-family detached units shall meet one of the following design options:

(a) The garage is side entry, so garage doors are perpendicular or radial to the street which the front facade faces.

(b) The garage is located behind the rear facade of the house. This garage may be detached from or attached to the house, and the garage doors may face any direction.

- (c) The garage is located at least ten (10) feet behind the front façade, or covered front porch, of the house. The garage may face the street subject to §150-249.11.C.(1).
 - (d) The garage is rear entry, so garage doors are on the opposite side of the house from the front façade and are accessed by a system of alleys.
- (4) Townhouse and Carriage Home Parking Design Standards. Garages for townhouse and carriage house units shall meet one of the following design options.
- (a) On end units the garage is side entry, so garage doors are perpendicular or radial to the street which the front facade faces.
 - (b) The garage may face the street subject to §150-249.11.C.(1).
 - (c) The garage is rear entry, so garage doors are on the opposite side of the house from the front façade and are accessed by a system of alleys. When rear entry garages are used, the end units may have side entry or rear entry garages.
- E. Driveway Design Standards
- (1) Each lot shall have not more than one driveway access point per existing street on which the lot fronts. When feasible, abutting non-residential lots must share a common driveway.
 - (2) When visible from the street, residential driveways shall not be asphalt. Decorative paving using another material such as brick or concrete shall be used instead. Driveways shall be either one continuous surface or a ribbon driveway, which has two strips of concrete or brick with grass or pea gravel in between.
- F. Non-Residential Off-Street Loading Areas, Outdoor Storage, and Trash Disposal Areas.
- (1) All loading areas and loading docks shall be located to the sides and rears of buildings. Loading docks shall not be visible from public streets. All loading areas and loading docks shall be set back at least twenty-five (25) feet from residential property lines.
 - (2) Outdoor storage or display of merchandise shall not be permitted overnight.
 - (3) Trash disposal areas shall be located within buildings or within an opaque screened area that completely hides the trash and is located to the side or rear of a building. All outdoor trash disposal areas shall be set back at least twenty-five (25) feet from residential property lines.

- G. Landscaping. Except where otherwise indicated in this ordinance, buffers, parking lot landscaping, detention basin landscaping, and landscaping around non-residential buildings shall be provided, in accordance with the Worcester Township Subdivision and Land Development Ordinance.
- H. Signs. All signs shall comply with the requirements of Article XXI of the Worcester Township zoning ordinance.

Section 150-249.12. Open Space Standards.

A. Total Open Space

- (1) Minimum required open space for Mixed Residential Developments, and Mixed Use Developments shall be thirty-five percent (35%), with bonuses awarded for additional open space as outlined in Section 150-249.6 Bonuses.
 - (a) In addition to the applicable minimum required open space, ten percent (10%) of the required open space shall meet the requirements of Section 150-249.12.B Neighborhood Open Space Requirements, below.
- (2) Open space may consist of neighborhood open space, a primary park, active recreation facilities, passive open space, and other similar types of open space.
- (3) The required open space shall have a layout that is generally consistent with the final land use bubble plan on page 22 of A Vision for Center Point Village (included as Appendix 1 herein) unless a more preferable layout is identified by the Board of Supervisors.
- (4) Sensitive natural areas, as identified by the Board of Supervisors, shall be protected as a part of the required open space.
- (5) No portion of any building lot may be used for meeting the minimum required amount of total open space. If a development is unlotted, no area within twenty-five (25) feet of any building shall count towards the minimum required amount of total open space.

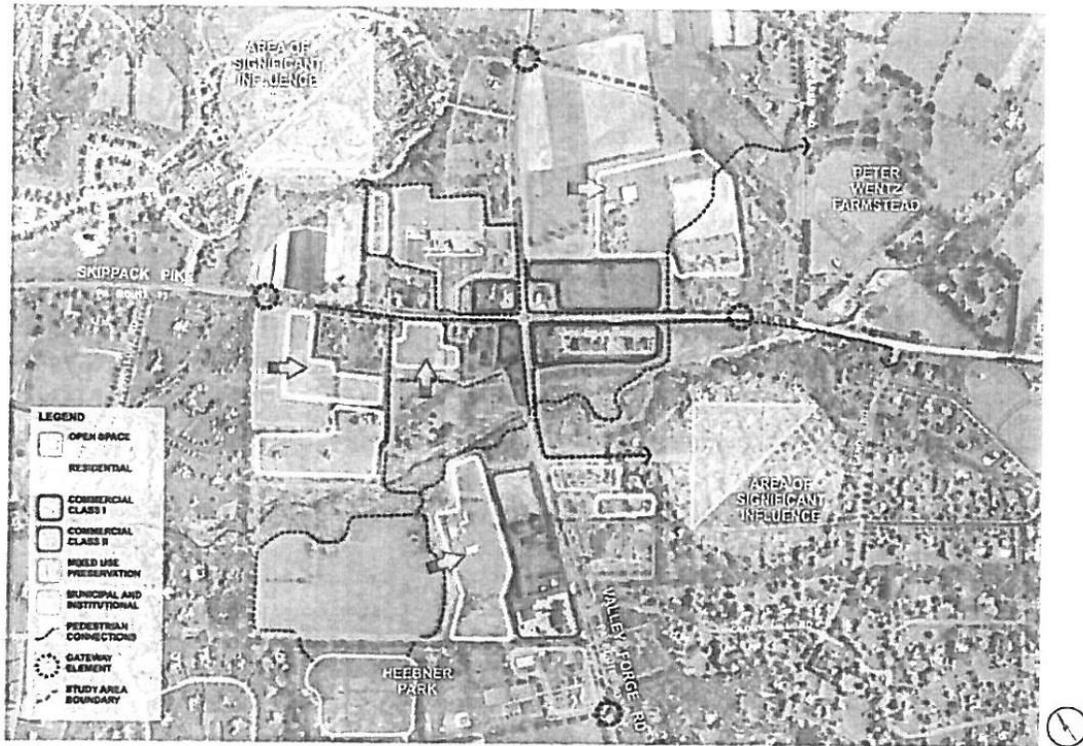
B. Neighborhood Open Space Requirements.

- (1) Neighborhood Open Space Design Alternatives. As noted in §150-249.12.A(1)(a) above, ten percent (10%) of the required open space shall be set aside as Neighborhood Open Space. All neighborhood open space shall meet one of the following design alternatives and shall include at least one village green meeting the primary park requirements.
 - (a) Village Green. Each village green shall:

- [1] Be at least ten thousand (10,000) square feet in size
 - [2] Be configured so that a circle with a radius of thirty (30) feet can fit within the confines of the green; and,
 - [3] Be surrounded along at least twenty-five percent (25%) of its perimeter by roads. All sides of village greens shall be surrounded by either roads or the front facades of buildings.
- (b) Landscaped Median. Each landscaped median shall have a minimum average width of ten (10) feet and a length of at least one-hundred fifty (150) feet, and shall be surrounded by streets on all sides.
 - (c) Eyebrow. Each eyebrow shall contain an island, generally configured as a semi-circle, and configured so that a circle with a radius of fifteen (15) feet can fit within the confines of the green space.
- (2) Additional Neighborhood Open Space Standards
- (a) All dwelling units within a CPV-1 District development shall be located within 800 feet of some type of open space.
 - (b) Detention basins and other stormwater impounding areas, except for landscaped permanent wet ponds, may not be located in neighborhood open space areas used to meet the minimum amount of required neighborhood open space.

Appendix 1

Final Land Use Bubble Plan



CENTER POINT VILLAGE
LAND USE BUBBLE PLAN
WORCESTER TOWNSHIP, PA



SALDO Article XI—Design Standards for the Center Point Village 1 and Center Point Village 2 Districts**Section 130-66**

The following standards apply to the Center Point Village 1 and Center Point Village 2 zoning districts and shall supersede any other SALDO standards that may conflict with the standards of this article. These standards are in addition to those required by the Worcester Township Zoning Code. All development shall meet the following design standards:

D. Pedestrian Design Standards

- (1) Sidewalks are required along all interior streets of residential developments and along existing streets where indicated on the final land use bubble plan on page 22 of *A Vision for Center Point Village* (Appendix 1 of this ordinance), or other locations recommended by the Worcester Township Planning Commission.
- (2) Sidewalks are required to connect the road frontage sidewalks to all front building entrances, parking areas, neighborhood open space, and any other destination that generates pedestrian traffic.
- (3) Sidewalks shall connect to existing sidewalks on abutting tracts and other nearby pedestrian destination points.
- (4) Sidewalks shall be no less than five (5) feet wide on residential streets, and no less than eight (8) feet wide on non-residential and mixed-use streets.
- (5) Multi-use trails shall run throughout the open space system and connect to sidewalks and nearby pedestrian destination points. The trails shall be generally laid out in the manner represented by the final land use bubble map on page 22 of *A Vision for Center Point Village*.

E. Building Design Standards

- (1) Non-Residential and Mixed-Use Buildings shall meet the following requirements:
 - (a) Building Orientation and Entrance. Front facades of non-residential and mixed-use buildings shall be oriented towards commercial/main streets within the mixed use tract, with a public entrance in this front façade. When abutting Skippack Pike or Valley Forge Road front facades shall face one of those streets. When buildings are located on corners, the entrance may be located on the corner with an appropriate building articulation, such as a chamfered corner, turret, canopy, or other similar architectural feature.
 - (b) Walls and Windows. Blank walls shall not be permitted along any exterior wall facing a street. Exterior walls in these locations shall meet the following criteria:

- [1] Such walls shall have architectural treatments that are the same as the front façade, including consistent, style, materials, colors, and details.
- [2] Windows. The ground floor of any wall facing a street shall contain windows in accordance with the following requirements:
 - [a] The ground floor front facades of retail commercial uses, personal service businesses, and restaurants shall consist of at least 35% window area, but not more than 75% window area.
 - [b] All other ground floor walls facing a street shall contain at least twenty-five percent (25%) window area but not more than seventy-five percent (75%) window area.
- [3] Dark tinted glass or reflective glass in windows is prohibited
- [4] Walls or portions of walls where windows are not provided shall have architectural treatments designed to break up the bulk of the wall, including at least three of the following treatments: masonry, masonry water table, belt courses of contrasting color or texture, metal roof accents, decorative tile work, medallions, quoins, decorative glass, trellis with plants, artwork, vertical or horizontal visual articulation, lighting fixtures, or similar architectural elements not listed above, as approved by the Board of Supervisors. Concrete block shall not be acceptable as masonry unless decorative split face block is utilized.

(c) Roofs.

- [1] All non-residential and mixed-use buildings shall have pitched roofs covering at least eighty percent (80%) of the building with a pitch of at least six (6) vertical inches to every twelve (12) horizontal inches.
- [2] Pitched roofs shall provide overhanging eaves that extend a minimum of one (1) foot beyond the building wall.

(d) Non-residential and mixed-use buildings must have at least a three (3) foot off-set in all facades for every forty (40) feet of continuous facade. Such off-sets may be met through the use of bay windows, porches, porticos, building extensions, towers, bays, gables, and other architectural treatments.

(e) Non-residential and mixed-use buildings shall contain materials, windows, doors, architectural details, massing, floor heights, and roofs that are compatible with proposed

residential buildings within the development and with the existing historical character of Worcester Township.

(2) Residential Building Design Standards

- (a) All residential buildings shall have pitched roofs covering at least eighty percent (80%) of the building with a pitch of at least six (6) vertical inches to every twelve (12) horizontal inches.

DRAFT

Center Point Village Zoning District 2 (CPV-2)**§150-250.1 Intent.**

The primary purpose of the Center Point Village 2 (CPV-2) District is to create a commercial core within a walkable village as outlined in the goals and concepts illustrated in the document entitled, *A Vision for Center Point Village*—adopted by Worcester Township to guide the development in the area around the historic crossroads of Skippack Pike and Valley Forge Road, which serves as the geographic heart of both Worcester Township and Montgomery County. The CPV-2 District is designed to serve as the heart of the village and to compliment the standards set forth in the nearby CPV-1 District. To those ends, the Center Point Village District 2 is intended to:

- A. Allow a range of small scale commercial and institutional uses within easy walking distance of adjoining residential homes.
- B. Ensure that commercial uses have a character that is compatible with the existing historic character of Worcester Township, as well as future residences within the development.
- C. Promote pedestrian orientation of streets and buildings to ensure a walkable village setting.
- D. Give priority to pedestrian movement along sidewalks and trails and access to commercial areas, open spaces, and streets; and discourage design that gives priority to vehicular convenience only.
- E. Create a street circulation system with sidewalks and trails that provides safe and convenient access.
- F. Use scale, building orientation, and landscaping to establish community identity.
- G. Use open and recreational spaces as community focal points.
- H. Preserve rural areas of the township by concentrating development in and around the existing Center Point Village.
- I. Provide retail uses in Center Point Village so that residents of the village will have the option of walking or biking to nearby amenities.

Section 150-250.2 Site Layout

The overall site plan for any new development within the CPV-2 District shall adhere to the final land use bubble plan on page 22 of the document entitled *A Vision for Center Point Village*, adopted on October 15, 2014 (included here as Appendix 1). An alternative site layout may be used in the event that the applicant and the Board of Supervisors agree that such a layout would be preferable in order to implement the overall vision of the aforementioned document.

Section 150-250.3 Permitted Uses.

The following uses are permitted in the CPV-2 District:

A. Class One Uses. On any lot, the following uses are permitted:

- (1) Retail commercial uses, personal service businesses, restaurants, and financial establishments, excluding drive-through facilities.
- (2) Convenience stores, without fuel pumps.
- (3) Park and open space uses, including central open space, passive open space, and active recreation uses.
- (4) Municipal uses, including township administration buildings, fire stations, and other similar uses.
- (5) Bed and breakfast establishments.
- (6) Small-scale business or professional offices in converted residential structures.
- (7) Offices of doctor, dentist, and other healthcare providers.
- (8) Studio for dance, art, music, photography, or exercise.
- (9) Day care center

B. Class Two Uses. On lots with a minimum area of forty thousand (40,000) square feet and a minimum width at the building line of one hundred (100) feet, in addition to Class One Uses, the following uses are permitted:

- (1) Uses with drive-through facilities, including restaurants, drug stores, banks and financial institutions, provided:
 - (a) The use provides sufficient on-site stacking lanes to accommodate a minimum of six (6) automobiles leading to the first drive-through window, bank teller window, remote teller window, or drive through automatic teller machine on the site, and two (2) automobiles for each additional drive-through facility on the site.
 - (b) These stacking lanes shall not interfere with parking spaces or the external circulation of the site.

- (c) Drive through windows shall face the rear or side yard of the site. Drive through windows shall not face a public street.
- (2) Gas stations, mini-marts, convenience stores with fuel pumps and other use with fuel pumps, provided that:
- (a) All activities except those to be performed at the fuel or air pumps are performed within a completely enclosed building. Outdoor storage is not permitted.
 - (b) Minimum setback of pump islands is fifty (50) feet from street ultimate rights-of-way, eighty (80) feet from residential property lines, and thirty (30) feet from all other property lines.
 - (c) Minimum setback of parking (any portion) from fuel pumps is thirty (30) feet.
 - (d) The fuel pump area does not interfere with parking spaces or internal circulation. In developments with multiple uses, the fuel pump area shall be separated from the parking and internal circulation of other uses.
 - (e) There shall be a maximum of six (6) fuel pumps.
 - (f) Body repairs and/ or painting shall not be permitted.
 - (g) Canopies meet the following requirements:
 - [1] Canopies shall be set back at least fifteen (15) feet from property lines and ultimate rights-of-way lines and fifty (50) feet from abutting residentially zoned properties.
 - [2] Canopies shall have a maximum height of sixteen (16) feet measured to the underside of the canopy. For slanted canopies, this sixteen (16) foot maximum can be measured at the portion of the canopy closest to the street.
 - [3] Individual canopies shall have a maximum area of 3,600 square feet; multiple canopies shall be separated by a minimum distance of 15 feet. Total aggregate area of all canopies shall be a maximum of 7,000 square feet.
 - [4] Lighting for canopies shall be recessed so that the bottom of the lighting fixture is flush with the underside of the canopy, using a full cutoff flat lens luminaire.
 - [5] Canopies shall be designed to be architecturally compatible with structures in the surrounding area with regard to color and building materials. Colors shall be compatible with buildings in the neighborhood, and pitched roofs shall be used unless deemed impossible by the Board of Supervisors.

C. Class Three Uses. On lots with a minimum area of one hundred fifty thousand (150,000) square feet and a minimum width at the building line of five hundred (500) feet, in addition to Class One Uses and Class Two Uses, the following uses are permitted:

- (1) Shopping center, in accordance with additional standards in Section 150-250.4, Section 150-250.6, and all other regulations of this district. A shopping center shall include three or more separate retail uses and shall not include drive-through facilities.

Section 150-250.4 Dimensional Requirements.

	Class One Uses	Class Two Uses	Class Three Uses
Min. Net Lot Area	10,000 sq. ft.	40,000 sq. ft.	150,000
Min. Lot Width	70 feet	100 feet	500 feet
Required front façade location when not facing a principal arterial (When facing a principal arterial, add 10 feet to each requirement)	Not less than 0 or more than 20 feet from the outer edge of the sidewalk. An additional 50 feet may be added if improved open space in accordance with §150-250.7.A(3) is placed between the outer edge of the sidewalk and the front façade of the building. Additional buildings may be placed on a lot without meeting this requirement when the additional building is smaller than and behind a building meeting this requirement	Not less than 10 or more than 30 feet from the outer edge of the sidewalk. An additional 100 feet may be added if improved open space in accordance with §150-250.7.A(3) is placed between the outer edge of the sidewalk and the front façade of the building. Additional buildings may be placed on a lot without meeting this requirement when the additional building is smaller than and behind a building meeting this requirement	Not less than 20 or more than 60 feet from the outer edge of the sidewalk. An additional 100 feet may be added if improved open space in accordance with §150-250.7.A(3) is placed between the outer edge of the sidewalk and the front façade of the building. Additional buildings may be placed on a lot without meeting this requirement when the additional building is smaller than and behind a building meeting this requirement
Min. Side Yard	15 feet	15 feet	40 feet
Min. Rear Yard	30 feet	30 feet	40 feet
Min. Building Setback from abutting residential properties	40 feet	50 feet	65 feet
Max Building Coverage on a lot	40%	30%	25%
Max. Impervious Coverage on a lot	60%	60%	60%
Max Building Height	35 feet	35 feet	35 feet
Min. Distance Between Buildings on Same Lot	20 feet	20 feet	50 feet
Max. Building Length	100 feet for facades facing a street	100 feet for facades facing a street	250 feet for facades facing a street
Max. Building Footprint	5,000 square feet	15,000 square feet	20,000 square feet

Section 150-250.5. General Requirements.

- A. Utilities. All developments shall be served by public sewer and public water.
- B. Ownership. Any land area proposed for development shall be in one ownership or shall be subject to a joint application filed by every owner of the land area proposed for development, under single direction, using one overall plan and complying with all requirements of the CPV-2 District.
- C. Ownership and Maintenance of Common Open Space and Facilities. Ownership and maintenance of common open space and other common facilities shall be provided in accordance with the regulations in Section 150-110.12 of the Worcester Township Code. All open space shall be permanently deed restricted from future subdivision and development.

Section 150-250.6 Additional Standards for Class Two Uses and Class Three Uses.

Commercial uses that are permitted as a Class Two Use or a Class Three Use shall meet the following standards:

- A. Buildings, driveways, parking areas, loading areas, outdoor activity areas, light sources, trash areas, and other potential nuisances shall be located and designed to minimize adverse impacts on abutting residential properties. In order to limit the adverse impact of a proposed general commercial use, the Board of Supervisors may require alternative site layouts, including increased setbacks from residential property lines, different locations of buildings, parking areas, and driveways, the incorporation of loading and trash collection areas as part of the principal building design, and increased screening for light sources and outdoor activity areas.
- B. Driveway intersections with streets and traffic circulation patterns within lots shall be located and designed to minimize congestion and safety problems on adjacent streets and nearby intersections. The Board of Supervisors may require alternative driveway locations and site design in order to alleviate potential congestion or safety problems.
- C. Buildings, driveways, and parking areas shall be located and designed in such a manner to maximize pedestrian safety and accessibility. Developments shall provide safe pedestrian connections to existing roadways and adjacent residential developments. Sidewalks and multi-use trails shall be utilized to make such connections. All developments should adhere to the pedestrian connectivity goals of the township's adopted plan, *A Vision for Center Point Village*.

Section 150-250.7. Design Standards.

All development in the CPV-2 District shall comply with the Worcester Township Subdivision and Land Development Ordinance (SALDO), except in the case that the requirements herein conflict with those requirements, whereby the standards in this ordinance shall apply. All development shall meet the following design standards:

A. General Layout

(1) Buildings shall be placed to make walking to open space and residential areas easily accessible to pedestrians by providing an interconnected system of sidewalks and trails.

(2) Streets

(a) Streets shall be interconnected with each other and with streets on abutting properties in an interconnected modified grid pattern.

(b) Street trees shall be required along all streets in accordance with Section 130-28.G(4) of the Worcester Township Subdivision and Land Development Ordinance (SALDO) with the exception of the following requirement, which shall supersede the requirements of the SALDO:

[1] Street trees shall be placed in a grass buffer strip between the curb and sidewalk that is a minimum of eight (8) feet wide.

(3) Public Open Space. The front façade location may be moved back by up to 50 feet for permitted uses, and 100 feet for conditional uses, if the space in front of the building is utilized for a public open space. The public open space area shall be landscaped, and include features such as benches, bike racks, gazebos, pavilions, ponds, fountains and/or paved patio areas. These improvements shall occupy at least 500 square feet and the total public open space shall be at least 5,000 square feet in size. The public open space may include areas for outdoor dining.

B. Parking Standards

(1) Parking lots and/or driveways should not be the dominant aspect of the building design, as seen from the street. Parking lots shall be located to the side and/or rear of buildings, unless there is an additional and larger building on the lot between the proposed parking and the street.

(2) Off-street parking shall be visually screened from existing and proposed streets by hedges, walls, buffer plantings, or similar site elements. Such screens shall be between two (2) feet and four (4) feet high.

(3) Parking areas on abutting lots shall be interconnected by access driveways.

(4) Each lot shall provide easements for its parking areas and access driveways guaranteeing access and use to all other lots within the tract.

(5) Parking lots shall be set back at least ten (10) feet from any adjacent residential lots.

- (6) Amount of Required Parking. All uses shall comply with the parking requirements required by Article XXII of the Worcester Township Zoning Code, except as adjusted below:
 - (a) For any use, the amount of parking that is provided shall not exceed 120% of the minimum parking that is required by Section 150-153 of Article XXII.
 - (b) Required parking may be located on an abutting lot, provided such spaces are located within 200 feet of the use.
- C. Off-Street Loading Areas, Outdoor Storage, and Trash Disposal Areas.
 - (1) All loading areas and loading docks shall be located to the sides and rears of buildings. Loading docks shall not be visible from public streets. All loading areas and loading docks shall be set back at least twenty-five (25) feet from residential property lines.
 - (2) Outdoor storage or display of materials shall not be permitted overnight.
 - (3) Trash disposal areas shall be located within buildings or within an opaque screened area that completely hides the trash and is located to the side or rear of a building. All outdoor trash disposal areas shall be set back at least twenty-five (25) feet from residential property lines.
- D. Landscaping. Street trees, buffers, parking lot landscaping, detention basin landscaping, and landscaping around non-residential buildings shall be provided, in accordance with the Worcester Township Subdivision and Land Development Ordinance.
- E. Signs. All signs shall comply with the requirements of Article XXI of the Worcester Township zoning ordinance. Commercial uses shall meet the standards of both Section 150-147 General Sign Regulations and Section 150-150 Signs Permitted in C and SC Districts.
- F. Additional Subdivision and Land Development Standards. All development within this district shall adhere to the additional standards in Article XI of the Worcester Township Subdivision and Land Development Ordinance, Design Standards for the Center Point Village 1 and Center Point Village 2 Districts.

Chapter 109. Bamboo

[HISTORY: Adopted by the Board of Supervisors of the Township of East Brandywine 6-15-2011 by Ord. No. 06-2011. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks — See Ch. 224.

§ 109-1. Title.

This chapter shall be known as an “Ordinance Prohibiting Bamboo Along a Public Thoroughfare” (i.e., public highway, street, roadway, trail, path or sidewalk).

§ 109-2. Applicability.

This chapter shall regulate the growing of bamboo, including the species *Bambusa*; *Phyllostachys*; and *Pseudosasa*, including common bamboo, golden bamboo, and arrow bamboo.

§ 109-3. Prohibited location.

Bamboo shall not be planted, maintained or otherwise permitted to exist within 30 feet of the edge of the pavement or traveled portion of any public thoroughfare in East Brandywine Township.

§ 109-4. Required removal and abatement.

Property owner(s) whose property contains bamboo shall remove and abate the growth of the bamboo within 30 feet of the edge of the pavement or traveled portion of a public thoroughfare in East Brandywine Township.

§ 109-5. Enforcement; violations and penalties.

The Township may enforce this chapter by any or all of the following measures:

- A. Providing written notice and warning to a property owner advising the property owner to remove the bamboo within 30 days from the date of receipt of the notice, or the Township will initiate enforcement proceedings.
- B. Moving or causing the removal of any bamboo that is interfering with the public thoroughfare and is growing within the right-of-way of a public road within 30 feet of the edge of the pavement or traveled portion of a public thoroughfare. Any such action taken by the Township shall be charged against the real estate upon which the bamboo is located and shall be a lien upon such real estate.
- C. Any person, firm or corporation who violates or permits a violation of any provision of this chapter shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of no less than \$50 and no more than \$1,000, plus costs of prosecution, including counsel fees. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding five days. Each day or portion thereof

that such violation continues or is permitted to continue shall constitute a separate offense, and each provision of this chapter that is violated shall also constitute a separate offense.

Chapter 380. Streets and Sidewalks

Article III. Bamboo Near Roadways

[Adopted 5-10-2011 by Ord. No. 2011-01]

§ 380-33. Title.

This article shall be known as an "Ordinance to Prohibit Bamboo Along a Public Highway."

§ 380-34. Purpose.

This article shall regulate the growing of bamboo, specifically species Bambusa, Phyllostachys and Pseudosasa, including Common bamboo, Golden bamboo, and Arrow bamboo.

§ 380-35. Planting restricted.

Bamboo shall not be planted, maintained or otherwise be permitted to exist within 40 feet of the edge of the pavement or traveled portion of any public roadway in West Bradford Township.

§ 380-36. Removal and abatement.

Property owner(s) whose property contains bamboo shall remove and abate the growth of the bamboo within 40 feet of edge of the pavement or traveled portion of a public road in West Bradford Township.

§ 380-37. Enforcement and administration.

The Township may enforce this article by any or all of the following measures;

- A. Provide written notice to a property owner to remove the bamboo within a certain period of time.
- B. Move or cause the removal of any bamboo that is interfering with the public highway and is growing within the right-of-way of a public road within 40 feet of edge of the pavement or traveled portion of a public road and charge the property owner with the cost of that work.
- C. Issue a nontraffic citation to the property owner(s) for violation of this article.

§ 380-38. Notice of violation; violations and penalties.

A notice of violation may be issued followed by a citation, or a citation may be issued without being preceded by a notice of violation.

- A. Any action by any person, firm, corporation or other entity which violates or does not comply with any provision of this article or any regulation thereof shall be punishable by fine(s) as established in this section. Each day that a violation occurs shall be considered a separate violation.
- B. Any person who violates or permits a violation of this article shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$600, plus all court costs, including reasonable attorney's fees, incurred by the Township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

Chapter 130. Vegetation, Noxious

[HISTORY: Adopted by the Board of Supervisors of the Township of Thornbury 4-22-2014 by Ord. No. 2014-1. Amendments noted where applicable.]

GENERAL REFERENCES

Property maintenance — See Ch. 93.

§ 130-1. Purpose.

The provisions of this chapter are enacted to control the planting, growing or cultivation of noxious vegetation in Thornbury Township so as to prevent the trespass of noxious vegetation onto public rights-of-way or adjacent private property, to preserve native flora and to ensure that noxious vegetative growth does not become a threat to the public health, safety or welfare of the community.

§ 130-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

NOXIOUS VEGETATION

A plant that has been determined to be injurious to public health, crops, livestock, agricultural land or other property and includes the noxious vegetation plants listed in Chapter 110 of Title 7 of the Pennsylvania Code, Noxious Weeds, as amended, running bamboo, and additional plants as may be hereafter determined by the Board of Supervisors of Thornbury Township.

§ 130-3. Certain vegetation restricted.

- A. No person, firm, corporation or other entity owning or occupying any property within Thornbury Township, Chester County, Pennsylvania, shall hereafter plant, cause to grow or cultivate the following noxious vegetation:
- (1) Vegetation listed in Chapter 110 of Title 7 of the Pennsylvania Code, Noxious Weeds, as amended;
 - (2) The Thornbury Township noxious vegetation list, as amended from time to time by the Board of Supervisors;
 - (3) All species of running bamboo, including *Acidosasa*, *Arundinaria*, *Bashania*, *Brachystachyum*, *Chimonobambusa*, *Gelidocalamus*, *Indocalamus*, *Indosasa*, *Ochlandra*, *Phyllostachys*, *Pleiblastus*, *Pseudosasa*, *Sasa*, *Sasaella*, *Semiarundinaria*, *Shibataea*, and *Sinobambusa*.

§ 130-4. Removal, cutting or trimming required.

- A. The owner of any premises shall remove, trim or cut all noxious vegetation located on said property which violates the provisions of this chapter, such that no part of the noxious vegetation is closer than 20 feet from any public right-of-way or property line.

§ 130-5. Regulations governing the planting, growing or cultivation of running bamboo.

- A. No person, property owner, or tenant shall plant, cause to grow or cultivate any running bamboo on any lot or parcel of ground, except in conformity with the following:
- (1) The root system of the bamboo plants is entirely contained within an aboveground planter, barrel or other container of such design, material and location as to prevent the spread of the bamboo root system beyond the confines of the container in which it is contained; or
 - (2) The root system is planted in the ground but is entirely contained within a barrier, constructed in accordance with the following specifications. Compliance with these specifications is subject to inspection by the Code Enforcement Officer.
 - (a) The barrier itself shall be composed of a high-density polypropylene or polyethylene, with a thickness of at least 40 mils or stronger material;
 - (b) The barrier shall be secured and joined together by stainless steel clamps or stainless steel closure strips designed to be used with such barriers;
 - (c) The barrier shall be installed at least 30 inches deep;
 - (d) At least three inches of the barrier must protrude above ground level around the entire perimeter of the bamboo;
 - (e) The barrier shall slant outward from bottom to top.
 - (3) Whether planted or growing in a container, as described herein, all bamboo plants shall be located, trimmed and maintained so that no part of such plant is closer than 20 feet from any public right-of-way or the property boundary.

§ 130-6. Complaint, notice, order for removal and compliance.

- A. Whenever a complaint is received by the Township regarding the encroachment of any noxious vegetation plant or root, or whenever the Township determines that there is an encroachment of noxious vegetation plants or roots onto the public right-of-way, the Township shall give notice to the landowner or tenant in possession of the property to remove the offending noxious vegetation plant or root system.
- (1) The notice shall be mailed by certified mail, return receipt requested. Notice by certified mail shall be deemed complete on the date of personal delivery. If the certified mail is marked "refused," "unclaimed" or otherwise undeliverable by the United States Postal Service, notice will be sent by regular mail and by posting the notice on the property.
 - (2) The notice shall specify the nature of the violation.
 - (3) The notice shall state that the violation must be corrected within 30 days from the date of mailing or posting the property, whichever is later.
 - (4) The notice shall state specifically what must be done by the responsible party to correct the violation and come into compliance with this chapter.
 - (5) The notice shall state that failure to comply within 30 days will result in the removal of the offending noxious vegetation or root system by the Township and that the responsible party will be billed for all costs incurred by the Township. The Township may, in its discretion, elect to issue a citation daily until such time as offending noxious vegetation or root system is removed, rather than undertake the removal itself.

§ 130-7. Penalties.

- A. Any property owner or possessor of a property determined by any court of competent jurisdiction to have violated this chapter shall be subject to pay a fine of \$100 per day for each day that the violation persists after the thirty-day remediation period expires, as well as court costs, legal fees and any other fees incurred by the Township to enforce this chapter against the responsible party. Each day of a continuing violation shall constitute a separate offense, for which a separate fine shall be levied.

Chapter 155. Bamboo

[HISTORY: Adopted by the Board of Supervisors of the Township of Middletown 4-13-2015 by Ord. No. 15-02. Amendments noted where applicable.]

§ 155-1. Short title.

This chapter shall be known and may be cited as the "Middletown Township Bamboo Ordinance."

§ 155-2. Intent and purpose.

The Township has determined that the planting, cultivating and growing of certain running noxious plants and grasses, particularly those plants and/or grasses commonly referred to as "bamboo," within the Township of Middletown has a negative impact on the health, safety and welfare of the citizens of Middletown Township and the public at large, as the uncontrolled planting, cultivating and growth of said bamboo plants and grasses results in the destruction of private and public property and constitutes a nuisance within the Township. The Township has therefore determined that is in the best interests of the citizens of Middletown Township and the public at large to control the planting, cultivating and/or growing of said bamboo plants and grasses within the Township of Middletown, primarily by prohibiting the future planting, cultivating and/or growing of said bamboo plants and grasses within the Township, and by requiring the use of barriers to prevent the invasive spread of existing bamboo plants and grasses within the Township.

§ 155-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BAMBOO

Any monopodial (running) tropical or semitropical grasses from the genera Bambusa, including, but not limited to, Bambusa, Phyllostachys, Fallopiia and Pseudosasa, as well as common bamboo, golden bamboo, arrow bamboo, and Japanese bamboo.

BAMBOO OWNER

Any property owner and/or resident who has planted and/or grows bamboo, or who maintains and/or cultivates bamboo on his/her property, or who permits bamboo to grow or remain on the property even if the bamboo has spread from an adjoining property. Any property owner and/or resident of property on which bamboo is found shall be considered to be a bamboo owner. A property owner and/or resident will not be considered to be a bamboo owner if:

- A. He has provided satisfactory proof to the Township that, within a reasonable period of time after discovering the encroachment of bamboo onto the subject property from an adjoining or neighboring property, he advised the owner of such property of his/her objection to the encroachment of the bamboo; and
- B. He has initiated steps for the removal of the bamboo from the property, including remedies at law.

TOWNSHIP

The Township of Middletown, Bucks County, Pennsylvania.

§ 155-4. Planting, cultivating or growing of bamboo prohibited; exceptions; removal.

- A. For purposes of this chapter, bamboo found growing upon a property shall constitute presumptive evidence that the bamboo was planted, cultivated and/or grown by and/or with the consent of the subject property owner, tenant, and/or any other individual, entity or corporation then having control of and/or over the subject property.
- B. Prohibition. Upon the effective date of this chapter, the planting, cultivating and/or growing of bamboo shall be prohibited within the Township. No persons, property owners, tenants, and/or other individuals, entities, and/or corporations having control of and/or over any property located within the Township shall plant, cultivate, and/or cause to grow any bamboo on any real property within the Township. Any person who plants, cultivates, and/or grows, and/or causes or allows to be planted, cultivated and/or grown, bamboo within the Township shall be deemed to be in violation of this chapter and shall be subject to such penalties as are set forth herein.
- C. This chapter shall not be deemed to alter or abrogate any rights at common law, or otherwise, that any persons, property owners, tenants, and/or other individuals, entities, and/or corporations may have to recover the cost of removal of any bamboo found on their own property that has encroached from a neighboring property.
- D. Exceptions. Notwithstanding the prohibitions set forth in § 155-4B above, upon the effective date of this chapter, persons, property owners, tenants, and/or other individuals, entities, and/or corporations having control of and/or over any property located within the Township shall be permitted to plant, cultivate, and/or cause to grow bamboo on any real property within the Township only if:
 - (1) Containment of root system.
 - (a) The root system of such bamboo is entirely contained within an aboveground-level planter, barrel or other vessel of such design, material, and location as to entirely prevent the spread of growth of the bamboo root system beyond the container in which it is planted; or
 - (b) The root system of such bamboo is contained within and/or restricted by a barrier, constructed in accordance with the following specifications, and only after a compliance inspection is performed and a permit issued by the Township:
 - [1] The barrier itself shall be composed of a high-density polypropylene or polyethylene, with a thickness of 40 ml or more;
 - [2] Each portion or sheet of the barrier shall be secured or joined together by the use of stainless steel clamps or stainless steel closure strips designed to be used with such barriers;
 - [3] The barrier shall be installed not less than 30 inches deep;
 - [4] The barrier shall be circular or oblong shaped;
 - [5] Not less than three inches of the barrier shall protrude above ground level around the entire perimeter of the bamboo; and
 - [6] When installed, the barrier shall slant outward from the bottom to top.
 - (2) Any and all bamboo existing pursuant to this § 155-4D shall, at all times, be located, trimmed and maintained so that no bamboo, or any part thereof, shall be within 10 feet of any property line, curb, and/or sidewalk, nor within 40 feet of any roadway, cartway, street, storm sewer, sanitary sewer and/or public water facilities within the Township.
- E. Any bamboo that has been planted or otherwise permitted to grow on any property within the Township prior to the effective date of this chapter may remain on such property subject to compliance with the following:
 - (1) The bamboo shall not be within 10 feet of any property line, curb, and/or sidewalk or within 40 feet of any roadway, cartway, street, storm sewer, sanitary sewer and/or public water facilities within the Township.

- (2) Any bamboo owner whose property contains bamboo that is located within 10 feet of any property line, curb, and/or sidewalk or within 40 feet of any roadway, cartway, street, storm sewer, sanitary sewer and/or public water facilities within the Township shall remove such bamboo and shall abate the growth of such bamboo so that it is not within 10 feet of any property line, curb, and/or sidewalk or within 40 feet of any roadway, cartway, street, storm sewer, sanitary sewer and/or public water facilities within the Township.
 - (3) A bamboo owner shall further be responsible to ensure that any bamboo planted and/or growing on the property of the bamboo owner prior to the effective date of this chapter is maintained such that it does not encroach or grow upon any adjoining or neighboring property or properties, including all public property and public rights-of-way. If the Township determines that any such bamboo, or part thereof, has been allowed to encroach, grow upon, extend roots across, and/or extend branches, stalks and/or leaves over any public right-of-way and/or any private property not owned by and/or in the possession of the bamboo owner, the bamboo owner shall be required to comply with the provisions of § 155-4D(1)(b) above.
- F. Removal. In the event that a bamboo owner does not remove or contract for the removal of any bamboo that is found to be in violation of any of the provisions of this chapter within 30 days of the date of notice of violation issued by the Township, the Township may, at its discretion, and in addition to any and all other enforcement actions available to it, take any and all actions necessary to effectuate the removal of such bamboo. The bamboo owner shall be liable and responsible to the Township for any and all costs incurred by the Township in effectuating the removal of such bamboo, including reasonable attorney's fees. Such costs may be assessed against the property of the bamboo owner and entered as a lien on the property. Nothing herein shall be construed to create any affirmative obligation on the part of the Township to abate or remove any bamboo within the Township.
- G. Replanting prohibited. Any bamboo either planted or caused to be planted or existing on a property prior to the effective date of this chapter may not be replanted or replaced in kind once such running bamboo is or has become, for any reason, dead, destroyed, uprooted or otherwise removed, unless such replanting is consistent with the provisions of § 155-4D above.

§ 155-5. Violations and penalties.

Any person, property owner, tenant, and/or other individual, entity, and/or corporation who violates any of the provisions of this chapter shall, upon conviction before any Magisterial District Justice, be guilty of a summary offense and shall be required to pay a fine not exceeding \$1,000 and costs of prosecution, in addition to all other costs hereinbefore provided. Each and every day on which any person, property owner, tenant, and/or other individual, entity, and/or corporation shall be in violation of the provisions of this chapter shall constitute a separate offense.

Chapter 5. Code Enforcement

Part 4. BAMBOO

§ 5-401. Purpose and Intent.

[Ord. 2014-06-03, 6/16/2014, Art. I.]

The purpose of this Part is to preserve and protect private and public property from the damaging spread of certain bamboo grasses, protect indigenous plant materials from the invasive spread of bamboo, and maintain the general welfare of residents of New Britain Township.

§ 5-402. General Provisions.

[Ord. 2014-06-03, 6/16/2014, Art. I.]

1. Definitions.

BAMBOO

Any monopodial (running) tropical or semi-tropical grasses from the genera *Phyllostachys* or *Pseudosasa*, including, but not limited to, *Phyllostachys aureosulcata* — yellow groove bamboo. In addition, this definition includes common bamboo, golden bamboo and arrow bamboo.

BAMBOO OWNER

Any person who has planted and/or grows bamboo on their property; who maintains bamboo on their property; or who permits bamboo to grow or remain on their property, even if the bamboo has spread from an adjoining property.

PERSON

Any individual, corporation, partnership, joint venture, unincorporated association, municipal corporation or agency, other group acting as a unit, or combination thereof.

TOWNSHIP

The Township of New Britain, County of Bucks, Commonwealth of Pennsylvania.

2. Applicability. For purposes of this Part, bamboo found growing upon a property shall constitute presumptive evidence that the bamboo was planted and/or grown by and/or with the consent of the bamboo owner.
3. Prohibition. Upon the effective date of this Part, the planting or growing of bamboo shall be prohibited within the Township, unless:
- A. The root system of such bamboo plant is entirely contained within a planter, barrier, or other vessel, located entirely above ground level, and of such design, material, and location as to entirely prevent the spread/growth of the bamboo's root system beyond the container in which it is planted.
 - B. The root system is contained within a barrier, constructed in accordance with the following specifications, and only after a permit is issued by the Township:
 - (1) The barrier shall be composed of high density polypropylene or polyethylene, 40 mil or heavier.

- (2) Portions or sheets of the barrier shall be secured or joined together by the use of stainless steel clamps or stainless steel closure strips designed for such barriers.
- (3) The entire perimeter of the barrier shall be more than 30 inches below ground level and more than three inches above ground level.
- (4) When installed, the barrier shall slant outward from the bottom to the top.
Any person who hereafter plants or grows, or causes to be planted or grown, bamboo within the Township, except as under the conditions set forth in paragraph (A) and (B) above, shall be deemed to be in violation of this Part, and shall be subject to such penalties as are set forth herein.

4. Regulation.

- A. Bamboo shall not be planted, maintained, or otherwise be permitted to exist within 40 feet of the edge of the pavement or traveled portion of any public roadway in the Township. Any bamboo owner whose property contains bamboo shall remove and abate the growth of the bamboo within 40 feet of edge of the pavement or traveled portion of a public road in the Township.
- B. Whether planted or growing in a container or contained within a barrier, all bamboo plants shall be located, trimmed, and maintained so that no part of the plant (including stalks, branches, leaves, and/or roots) shall extend nearer than 10 feet to any property line.
- C. When removing and destroying bamboo, all rhizome disposal must be by incineration only. No composting or trash disposal of rhizomes shall be allowed.

5. Pre-Existing Bamboo.

- A. Any bamboo that has been planted or otherwise permitted to grow on any property within the Township prior to the effective date of this Part may remain on such property, subject to compliance with this Part.
- B. Each bamboo owner shall be responsible to ensure that the bamboo planted or growing on the property prior to the effective date of this section does not encroach or grow upon any adjoining or neighboring property, including all public property and right-of-ways. Such bamboo owners shall be required to take such measures as are reasonably expected to prevent such invasion or encroachment, including, but not be limited to, the installation of sheathing comprised of metal or other material impenetrable by bamboo at a sufficient depth within the property line or lines where the bamboo is planted or is growing to prevent the growth or encroachment upon adjoining or neighboring property by the bamboo.
- C. Replanting Prohibited. Any bamboo existing on a property prior to the effective date of this Part may not be replanted or replaced in kind once such bamboo is or has become, for any reason, dead, destroyed, uprooted, or otherwise removed, except in compliance with the provisions of this Part.

6. Removal from Township Property.

- A. Encroachment. In the event that bamboo growing on a bamboo owner's property invades or grows onto Township property, including, but not limited to right-of-ways, the Township shall notify the bamboo owner in writing that bamboo has invaded the Township property and that the bamboo owner is responsible for the removal of such bamboo from the Township property. This encroachment notice shall be sent by certified mail, return receipt requested, and by regular mail to the last known address of the bamboo owner, and a copy of the notice shall also be posted in a conspicuous location on the bamboo owner's property.
- B. In the event that the bamboo owner does not remove the bamboo from the Township property, or does not make an arrangement with the Township for removal of such bamboo within 30 days from the date the encroachment notice, the Township, at its discretion, may remove such bamboo from the Township property. The bamboo owner shall be liable and responsible to the Township for all costs incurred in removing the bamboo from the Township property. Such costs may be assessed against the property of the bamboo owner, and in the event that the costs remain unpaid more than 30 days after the demand of payment has been made by the Township on the bamboo owner, the Township may lien the property of the bamboo owner for these costs, plus interest, fees, and expenses, as allowed by law.

- C. In the event that the Township is compelled to undertake the removal of bamboo, as provided for above, neither the Township nor its employees, contractors, or agents shall have any liability to the bamboo owner for any damages or other claims arising out of the removal of such bamboo. In the event such removal entails or causes damages to the property of any other person or entity other than the bamboo owner, the bamboo owner shall be responsible for such damages.

§ 5-403. Violations and Remedies.

[Ord. 2014-06-03, 6/16/2014, Art. I.]

1. Notice of Violation.
 - A. Each bamboo owner shall be responsible to ensure that any bamboo on their property does not violate the provisions of this Part. In the event that there is any bamboo growing in violation of the provisions of this Part, the Township shall notify the bamboo owner in writing of the existence of such violation. Said notice of violation shall be served by handing it directly to the bamboo owner; by mailing it to the last known address of the bamboo owner; or by posting the property at a conspicuous location.
 - B. Any bamboo owner receiving a notice of violation shall bring their property into compliance with this Part within 30 days of the owner's receipt of said notice. If the bamboo owner fails to bring their property into compliance with the notice and this Part, then the Township may issue a non-traffic citation against the bamboo owner.
 - C. In addition, where a bamboo owner does not remedy and correct the violations set forth in any notice of violation issued to them, the Township may remove any bamboo that is in violation of this Part located upon the bamboo owner's property; take all reasonable action to eradicate its re-growth; and/or restore any real property to its natural condition prior to such removal and eradication. Any costs incurred by the Township in removing any bamboo and/or remedying any violation of this Part shall be at the expense of the bamboo owner, and in the event that the costs remain unpaid more than 30 days after the demand of payment has been made by the Township on the bamboo owner, the Township may lien the property of the bamboo owner for these costs, plus interest, fees, and expenses, as allowed by law.
2. Violations, Penalties, and Remedies.
 - A. Upon summary conviction before any magisterial district judge, any person violating any of the provisions of this Part shall, in addition to the other charges hereinbefore provided for each offense, pay a fine not exceeding \$1,000, plus all court costs, including reasonable attorney's fees, incurred as a result of the prosecution. Each and every day in which a person shall be in violation of this Part shall constitute a separate offense.
 - B. In addition, the Township Board of Supervisors may institute suits, in equity or at law, to restrain, prevent, or abate a violation of this Part. Such proceedings may be initiated before any court of competent jurisdiction. The expense of such proceedings shall be recoverable from the violator in any manner as may now or hereafter be provided by law.

