

**BEFORE THE ZONING HEARING BOARD OF WORCESTER TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

IN RE: APPLICATION OF
PHILADELPHIA METRO WILDLIFE
CENTER, INC.

NO. 2019-05
APPLICATION FOR VARIANCES

DECISION

The Applicant/Equitable Owner, Philadelphia Metro Wildlife Center, Inc., proposes to operate a wildlife rehabilitation center at the property located at 2815 Township Line Road, Worcester Township, in the R-175 Residential Zoning District.

Public hearings on the above Application were held on March 26, 2019 and April 23, 2019 at the Worcester Township Community Hall, 1031 Valley Forge Road, Fairview Village, Pennsylvania, pursuant to Notice as required by the Worcester Township Zoning Ordinance, as amended (hereinafter "Zoning Ordinance") and the Pennsylvania Municipalities Planning Code. Upon consideration of the evidence and testimony presented regarding the Application, the Zoning Hearing Board of Worcester Township enters the following Order:

ORDER

- (1) A use variance from Section 150-35, so as to permit the operation of a wildlife rehabilitation center, is **GRANTED**.
- (2) A variance from Section 150-153, so as to permit seven (7) parking spaces associated with the wildlife rehabilitation center, is **GRANTED**.
- (3) A variance from Section 150-148A, so as to permit a two (2) square foot non-illuminated sign, is **GRANTED**.
- (4) The requests for variances and/or interpretations under Section 150-192B and Section 150-177.1 were **WITHDRAWN**.
- (5) The appeal from the determination of the Zoning Officer was **WITHDRAWN**.

This Decision is subject to the following conditions:

CONDITIONS:

1. The Applicant shall operate the wildlife rehabilitation center on a tax-exempt, non-profit basis, and any future operation of a wildlife rehabilitation center on the property must also be a tax-exempt, non-profit entity.
2. A director, managing member or officer of the wildlife rehabilitation center entity shall live in the dwelling on the property, and shall provide to the Township the director/managing member/officer's contact information, including email and phone number, as well as such contact information for an alternate contact person, and keep such information updated, such that the Township may make contact in the event of an emergency.
3. A person holding a Pennsylvania Wildlife Rehabilitator Permit, with the appropriate certifications for the handling of certain species, as required, shall be in control and onsite at all times that animals are being admitted, treated or fed.
4. No more than six (6) employees and/or volunteers may be on the property at any one time.
5. The dwelling on the property shall be limited to single family occupancy by the director, managing member or officer of the wildlife rehabilitation center entity, in addition to the care of animals as described at the hearings.
6. The facilities shall not be open to the general public (other than for delivery of wounded animals by appointment only), nor shall the property be open for tours.

7. The Applicant shall maintain an inventory of the animals on the premises and submit same to the Township upon request. There shall be no more than 75 animals in existing structures and 75 animals outside in pens, cages and corrals at any one time, with species and animal restrictions limited to native birds, native reptiles (such as turtles) and native mammals, but excluding large game such as black bear or elk. There shall be no cows, horses, deer, poisonous snakes, cats or dogs, and no exotic animals such as lions or tigers. No wildlife animals that individually weigh over fifty (50) lbs. shall be permitted.
8. Daily hours of operation shall be limited to 7 a.m. to 7 p.m., with emergency intakes permitted after hours.
9. No non-security outdoor lighting shall be installed.
10. The Applicant shall install a four (4) foot high solid stockade fence, or four (4) foot high post and rail fence with wire mesh, enclosing the entire area on the property where animals will be admitted, treated, kept or fed, and such fencing shall be installed in conformity with all Township Ordinances.
11. No pens, cages or corrals shall be located in the front yard or within fifty (50) feet of any property line.
12. Double-entry cages as described at the hearing shall be required.
13. Animal waste shall be collected and contained in secure containers with a contract for regular collection.
14. A Use and Occupancy Permit shall be obtained before occupancy, with improvements required by the Building Code Officer and Fire Marshal.

15. Additional parking areas shall be installed if required by the Township Engineer.
16. The Applicant shall pay any relevant Act 209 traffic impact fees as calculated by the Township Traffic Engineer, and assessed by the Township in the future.
17. All noise shall comply with relevant Township Codes.
18. Any structures to be built or expanded must be approved through the Land Development process or by a waiver of Land Development.
19. The Applicant shall provide to the Township confirmation from the Montgomery County Health Department that the on-lot septic system can accommodate the proposed use.
20. The Applicant shall connect to public water and public sewer if service is installed at the frontage.
21. The Applicant shall cause Worcester Township to be named as additional insured on the Applicant's General Liability Policy with minimum limits of coverage of \$1,000,000.00 per occurrence, and provide a certificate of insurance to the Township on an annual basis.
22. The Applicant shall apply for and obtain all applicable Township, County and State permits and approvals relative to the use in a timely manner.
23. All use and development permitted by this Decision shall conform to the exhibits and testimony presented by the Applicant, unless inconsistent with any specific conditions imposed by this Board, in which case these specific conditions shall take precedence.

24. Except as permitted by prior Decisions of this Board, the use of the subject property shall otherwise comply with the Worcester Township Code, including, but not limited to, all storm water management, fencing, setback, parking, lighting, sign and noise regulations, and all other codes, regulations and ordinances of Worcester Township.
25. Pursuant to Section 150-225 of the Worcester Township Zoning Ordinance, a special exception or variance shall expire if the Applicant fails to obtain a permit in connection therewith within one (1) year of the date of authorization thereof. When land development/subdivision approval is required, the special exception or variance shall expire if the Applicant fails to make a diligent effort to obtain such approval within six (6) months following the date of the Zoning Hearing Board's Order. Upon receipt of land development/subdivision approval, the special exception or variance shall expire if a building permit is not obtained within six (6) months of the date of the land development/subdivision approval.

WORCESTER TOWNSHIP ZONING HEARING BOARD



Michael Libor, Chair



Caesar Gambone, Vice Chair



John D'Lauro, Secretary

Alternate

Bradford Smith

Order Entered: 5/6/2019

Circulation Date: 5/6/2019

This Decision and Order of the Board is final and any appeal of it must be filed with the Court of Common Pleas of Montgomery County within thirty (30) days following the Circulation Date set forth above. The Board reserves the right to prepare Findings of Fact and Conclusions of Law in support of this Decision if an appeal is filed.