

WHITPAIN TOWNSHIP

ORDINANCE #4-248

AN ORDINANCE AMENDING (1) ARTICLE IV, SECTION 160-11 [ENUMERATION OF DISTRICTS] OF THE TOWNSHIP'S ZONING ORDINANCE AND ASSOCIATED TOWNSHIP MAP BY CHANGING THE P-R PARK AND RECREATION DISTRICT FROM A ZONING DISTRICT CLASSIFICATION TO AN OVERLAY CLASSIFICATION; (2) ARTICLE VI [P-R PARK AND RECREATION DISTRICT] BY CHANGING THE APPLICABILITY OF THE ARTICLE FROM A ZONING DISTRICT TO AN OVERLAY, AND DELETING SECTION 160-28 [SEVERABILITY]; AND (3) THE TOWNSHIP'S ZONING MAP BY REZONING THE PROPERTIES CURRENTLY ZONED P-R PARK AND RECREATION TO RESPECTIVE ZONING CLASSIFICATIONS PERMITTING BROADER USES, WHICH ARE BETTER PHYSICALLY-SUITED FOR THE RESPECTIVE PROPERTIES AND MORE CONSISTENT WITH ADJOINING, SIMILARLY SITUATED PROPERTIES, AS WELL AS PROVIDING FOR APPLICATION OF THE PARK AND RECREATION OVERLAY

CERTIFICATION

I, ROMAN M. PRONCZAK, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT I AM THE TOWNSHIP MANAGER IN MONTGOMERY COUNTY, PA AND THAT ATTACHED HERETO IS A TRUE AND COMPLETE CORRECT COPY OF ORDINANCE #4-248



Roman M. Pronczak, P.E., Township Manager

June 11, 2018

ENACTED: 6-11-2018

WHITPAIN TOWNSHIP

ORDINANCE #4-248

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WHEREAS, on December 19, 2017, this Board, in accord with the Pennsylvania Municipalities Planning Code ("MPC"), Section 609.2, entitled "Procedures for Municipal Curative Amendments", determined and declared that Article VI, Section 160-26 of its Zoning Ordinance, entitled "P-R Park and Recreation District/Permitted Uses", was substantively invalid and proposed to prepare a municipal curative amendment to overcome such declared invalidity ("Invalidity Declaration and Cure Proposal").

WHEREAS, on January 16, 2018, within 30-days of its Invalidity Declaration and Cure Proposal, this Board enacted a resolution, wherein it (1) made specific findings setting forth the Township's declared invalidity; and (2) commenced the municipal curative amendment process to correct the declared invalidity ("Invalidity Resolution"), within 180-days of this Board's Invalidity Declaration and Cure Proposal.

WHEREAS, this Ordinance is the Municipal Curative Amendment to cure this Board's declared Township Zoning Ordinance invalidity.

NOW THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by this Board that the Township's Zoning Ordinance and Map shall be amended as follows:

SECTION 1. **AMENDMENT TO ARTICLE IV, SECTION 160-11
[ENUMERATION OF DISTRICTS] OF THE TOWNSHIP'S
ZONING ORDINANCE AND TOWNSHIP MAP**

Article IV, Section 160-11 [Enumeration of Districts] of the Township's Zoning Ordinance is amended by changing the P-R Park and Recreation District from a Zoning District classification to an Overlay classification, and shall read as follows:

§ 160-11 Enumeration of districts.

For the purpose of this Chapter, Whitpain Township is hereby divided into 21 Zoning Districts and 5 Overlays, which shall be designated as follows:

ZONING DISTRICTS

R-1	Residential
R-2	Residential
R-3	Multifamily
R-3A	Low-Intensity Multifamily
R-3B	Low-Intensity Multifamily
R-4	Village Preservation
R-5	Agricultural/Rural Residence
R-6	Agricultural/Rural Residence
R-7	Residential
R-8	Residential
R-9	Residential
A-R	Administrative and Research
A-R-1	Administrative and Research
R-E	Research and Engineering
C	Commercial
VC	Village Commercial
C-1	Commercial
I	Limited Industrial

IN	Institutional
SC	Shopping Center
FP	Floodplain Conservation

OVERLAYS

Off-Premises Advertising Sign Overlay

Airport Overlay

Community Shopping Center Overlay

Extended Daycare Overlay

Park and Recreation Overlay

The Township Engineer is directed to revise the Township Zoning Map, as last revised, to incorporate this "District to Overlay" classification-change.

SECTION 2. AMENDMENT TO ARTICLE VI [P-R PARK AND RECREATION DISTRICT]

Article VI [P-R Park and Recreation District] shall be amended to reflect the "District to Overlay" classification-change set forth above in Section 1 and shall read as follows:

Article VI: Park and Recreation Overlay

§ 160-25 Legislative intent.

- A. In expansion of the community development objectives contained in Article III, § 160-8, it is hereby declared to be the intent of this article to encourage the preservation of passive and active open space park and recreation uses in the Township, to establish reasonable standards of performance in order to maintain the desirable benefits of open space park and recreational uses throughout the community, and to ensure that such uses will have no adverse effect on abutting residential areas.
- B. Under the Park and Recreation Overlay, the following regulations shall apply.

§ 160-26 Permitted uses.

Under the Park and Recreation Overlay, land may be used or occupied and buildings and structures may be erected, altered and used for any of the following purposes and no other:

- A. Public park or recreation area for open space recreation, owned and operated by a governmental agency.
- B. Woodland, game preserve, nature areas or other conservation purposes.
- C. Privately owned outdoor recreational areas or use, including but not limited to a park, picnic ground, riding academy, golf course, swimming pool, day camp, ice-skating rink, nature area and tennis courts, including facilities for team sports such as baseball, football, basketball and soccer.
- D. Uses accessory to permitted uses, provided that each building or structure is clearly incidental to the permitted outdoor use.
- E. Historic monuments and publicly owned buildings which are open for public viewing and inspection.
- F. Any use of the same general character as any of the uses specifically permitted when authorized as a special exception, provided that the use and its design are compatible with the character of the area in which it is located and that any club or lodge building and its services shall be for the use of members and their guests only.

§ 160-27 Development regulations.

- A. Height regulations. The maximum height of buildings and other structures erected or enlarged in this Overlay shall be 35 feet. Additional height for lights, baseball backstops and similar ancillary sports equipment may be approved by the Board of Supervisors.
- B. Building coverage. Not more than 20% of the total lot area shall be occupied by buildings and structures.
- C. Commercial activity. No commercial activity shall be permitted except for charging of admission, the sale of refreshments or such other purpose as is clearly incidental to the permitted outdoor activity. Each permitted commercial activity shall be located or screened so that it shall not be visible from a public street (except the Pennsylvania Turnpike).
- D. Off-street parking. The provisions of Article XXVII shall apply to P-R Districts, except that pervious surfaces for parking areas and access drives are permitted in this Overlay. In the event the use contemplated is not specifically covered by the terms of Article XXVII, adequate off-street parking must be shown on the development plan to accommodate the maximum number of persons expected to be using the facilities on a day-to-day basis.

- E. Lighting. The source of any exterior spot lighting or floodlights of buildings or grounds shall comply with § 160-220 of the Code of the Township of Whitemarsh.
- F. Screening. All parking shall be effectively screened by a permanent screen buffer from adjoining and contiguous Residential, Park and Recreation, and Institutional Districts by a combination of the following: wall, fence, evergreen hedge or other suitable enclosure of a minimum height of 6 1/2 feet, placed at least four feet inside the Overlay property line. A buffer shall be planted in accordance with a plan approved by the Board of Supervisors following a recommendation by the Planning Commission, which, at the very least, shall conform to the standards and requirements of § 160-107, Buffer yards and planting materials, of this chapter.
- G. Green areas. At least 90% of the area of each lot not devoted to off-street parking or occupied by buildings or other structures shall be kept in grass, shrubbery, trees or other natural cover. In any event, at least 70% of any lot within the Overlay shall be kept as green area.
- H. Setbacks.
 - (1) Buildings. No building over 15 feet high or exceeding 250 square feet of ground coverage or containing food service facilities shall be located within 100 feet of any abutting residentially zoned district. In no case shall any building be located within 50 feet of any property line, or 50 feet of any utility right-of-way line.
 - (2) Uses. No use which requires the use of outdoor lighting or which is concentrated in time and space, such as but not limited to the use of a swimming pool or tennis courts, shall be located within 100 feet of any abutting residentially zoned district. Such setback may be reduced up to 50 feet if the use is appropriately screened by a screen buffer from the adjoining and contiguous Residential and Institutional Districts.

SECTION 3. AMENDMENT TO THE TOWNSHIP'S ZONING MAP

The Township's Zoning Map shall be amended by rezoning all 24 properties currently zoned P-R Park and Recreation and comprising the entirety of the P-R Park and Recreation District, to respective zoning classifications that permit broader uses, which are better physically-suited for the respective properties and more consistent with adjoining, similarly situated properties with application of the Park and Recreation Overlay.

Specifically, the following 24 properties, set forth in the attached Table 1, currently classified as P-R Park and Recreation, are hereby re-classified on the Township's Zoning Map as having the respective classifications as set forth in the "Proposed Zoning District" column of the Rezoning Table, attached as Exhibit 1, with the Park and Recreation Overlay, and as such, are incorporated in and made part of the Township's Zoning Ordinance.

The provisions and requirements of the Park and Recreation Overlay shall be additional and supplemental to the new underlying zoning of the P-R Properties, however, where those regulations differ from the new underlying zoning of the P-R Properties, and the property is used pursuant to the Park and Recreation Overlay, the provisions and requirements of the Park and Recreation Overlay shall control.

The Township Engineer is directed to revise the Zoning Map, as last revised, to incorporate the above rezone and application of the Park and Recreation Overlay.

SECTION 4. REPEAL AND RATIFICATION

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the Township's Code unaffected by this Ordinance are hereby reaffirmed and ratified.

SECTION 5. SEVERABILITY

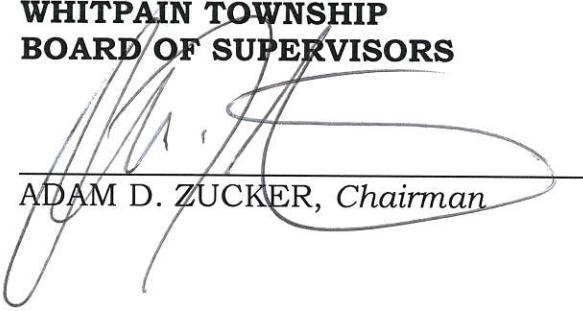
Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect, and for this reason the provisions of this Ordinance shall be severable.

SECTION 6. EFFECTIVE DATE

This Ordinance shall become effective 5-days after enactment.

ORDAINED AND ENACTED this 11th day of June 2018, by the
Whitpain Township Board of Supervisors.

**WHITPAIN TOWNSHIP
BOARD OF SUPERVISORS**


ADAM D. ZUCKER, *Chairman*

[Seal]

Attested by:



ANTHONY F. GRECO, *Secretary*

EXHIBIT 1
Rezoning Table

Table 1

Revised 4/12/18

IDNumber	Parcel Number	Location	Owner	Common Name	Acreage	Proposed Zoning District
1	660005413002	180 PENLLYN BLUE BELL PIKE	CEDARBROOK COUNTRY CLUB	Cedarbrook Country Club	181.7902	R-5
2	660000475008	711 BOEHM'S CHURCH RD	BSK MEADOWS REALTY PARTNERS LP	Bluestone	124.9356	R-1/R-3B *
3	660008515005	1527 YOST RD	WHITPAIN TOWNSHIP	Centre Square Park	62.0623	R-1
4	660002926005	1002 JOLLY RD	MERMAID REALTY PARTNERS LP	Mermaid Swim Club	46.0612	R-1
5	660001576005	1245 DEKALB PIKE	PECO	PECO	42.9049	R-1
6	660005155008	1051 PENLLYN BLUE BELL PIKE	WHITPAIN TOWNSHIP	Wurts Tract	19.7144	R-1
7	660004408008	40 W MT PLEASANT AVE	WHITPAIN TOWNSHIP	Wissahickon Park	18.6677	R-2
8	660003139008	649 Lantern Ln	WISSAHICKON VAL WATERSHED ASSOC	Wissahickon Creek	16.3677	R-5
9	660001828005	652 DEKALB PIKE	BERARDELLI ENTERPRISES LLC	Beachcomber Swim Club	16.2459	R-3B
10	660003547005	152 MATHERS RD	REEVES PROPERTIES LLC	152 Mathers Rd	16.0066	R-1
11	660004849008	NORTH WALES RD	PECO	PECO	15.1035	R-1
12	660008093247	802 VILLAGE CIR	WHITPAIN TOWNSHIP	Village Basin	7.9497	R-5
13	660004369002	W MT PLEASANT AVE	WISSAHICKON VAL WATERSHED ASSOC	Wissahickon Creek	7.7732	R-1
14	660004843005	1250 NORTH WALES RD	PECO	PECO	5.0907	R-1
15	660007693008	1776 ERBS MILL RD	WHITPAIN GREENS SWIM CLUB	Whitpain Greens Swim Club	3.7968	R-2
16	660006412002	1840 SKIPACK PIKE	PECO	PECO	3.7575	R-1
17	660005416107	PENLLYN BLUE BELL PIKE	WISSAHICKON VAL WATERSHED ASSOC	Wissahickon Creek	3.0926	R-5
18	660000152205	247 BATLESON RD	WHITPAIN TOWNSHIP	Whitpain Township	2.0992	R-1
19	660005416008	50 PENLLYN BLUE BELL PIKE	MONTGOMERY COUNTY	Montgomery County	1.8111	R-5
20	660003928002	MERCER HILL RD	WHITPAIN TOWNSHIP	Whitpain Township	0.9024	R-2
21	660002923008	1198 JOLLY RD	MERMAID REALTY PARTNERS LP	Mermaid Swim Club	0.7806	R-1
22	660004405002	210 W MT PLEASANT AVE	WHITPAIN TOWNSHIP	Wissahickon Park	0.6725	R-1
23	660003139008	649 LANTERN LN	WISSAHICKON VAL WATERSHED ASSOC	Wissahickon Creek	0.2664	R-5
24	660005413011	MATHERS RD	MATHERS ROAD LP	Mathers Rd	0.0025	R-5

Legend

Preserved as open space (e.g., park) or utility facility (transmission corridor)
 Private owner

*See Rezoning Exhibits and associated Legal Descriptions setting forth detailed descriptions of the re-zoned areas, attached as Appendix 1

EXHIBIT 2
Legal Descriptions and Zoning Area Map

ZONING EXHIBIT

TO BE RE-ZONED
R-1
113.898 ACRES
TO CENTERLINE OF ROADWAYS

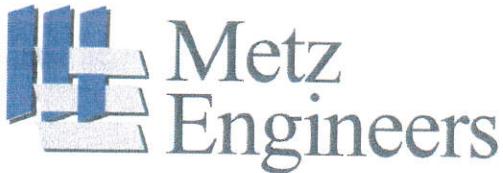
AREA
TO BE RE-ZONED
R3B
15.2467 ACRES

TMF
66-00-00475-00-8

PELLY: BLUEBELL SPIKE
PELLY: REVIEWED

100

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Civil Engineers & Land Surveyors · 410 Derstine Avenue, PO Box 647, Lansdale, PA 19446-0608 · 215-855-3111 · Fax 855-5143



A handwritten signature of Jeffrey A. Wert.

April 10, 2018
Revised April 16, 2018

M7942

Bluestone Country Club
R3B area to be Re-zoned
Bluestone Country Club

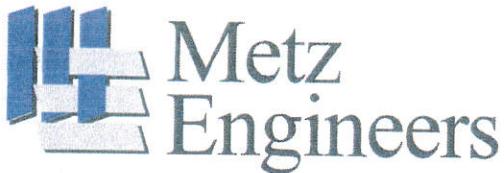
ALL THAT CERTAIN parcel or tract of land situate in Whitpain Township, Montgomery County, Pennsylvania, as shown on the attached Exhibit, being the southwestern most portion of Lot B, of the Bluestone Country Club, formerly known as Meadowlands Country Club, Whitpain Township, and as shown on a Site Plan prepared for Meadowlands Country Club by Chambers Associates, sheet 1 of 1, date November 2, 1990, last revised November 26, 1990, and being more fully described as follows:

BEGINNING at a point, an interior corner of lands, being the northern most corner of lands of TMP 66-00-05182-00-8, said point being the following two courses from the intersection of centerline of Plymouth Road and the centerline of Penllyn Blue Bell Pike; 1) along the centerline of Penllyn Blue Bell Pike South 40°39'20" West 337.12 feet; 2) leaving Penllyn Blue Bell Pike along the northeast side of TMP 66-00-05182-00-8, North 47°25'20" West, 419.64 feet to the Point and Place of Beginning: **THENCE from said Point of Beginning** and extending along the northwesterly side of the TMP 66-00-05182-00-8, the following two courses; 1) South 40°45'55" West 433.31 feet, more or less, to a point; 2) South 40°43'25" West 312.44 feet along TMP 66-00-05176-03-6 more or less, to a point; **THENCE** along the following four parcels, TMP 66-00-06547-00-2, 66-00-06559-00-8, 66-00-06562-00-5 and 66-00-06565-01-1, the following Three courses; 1) North 48°29'40" West 607.41 feet, more or less; 2) North 48°27'40" West, 142.15 feet, more or less; 3) North 48°30'40" West, 240.54 feet, more or less, to a point, a common corner with this and TMP 66-00-07387-00-8; **THENCE** along various parcels North 38°41'05" East, 580.96 feet, more or less to a point, a common corner with TMP 66-00-04984-52-1; **THENCE**, on and across Parcel B as shown on said plan, South 57°48'23" East 1,022.30 feet, more or less to the **Point and Place of Beginning**.

CONTAINING 15.2467 Acres of land area, be the same, more or less.

Herbert H. Metz, Inc. Since 1912

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Jeffrey A. Wert

April 13, 2018
Revised April 16, 2018

M7942

Bluestone Country Club
R-1 area to be Re-zoned
Bluestone Country Club

ALL THAT CERTAIN parcel or tract of land situate in Whitpain Township, Montgomery County, Pennsylvania, as shown on the attached Exhibit, being a portion of the Bluestone Country Club, formerly known as Meadowlands Country Club, Whitpain Township, and as shown on a Site Plan prepared for Meadowlands Country Club by Chambers Associates, sheet 1 of 1, date November 2, 1990, last revised November 26, 1990, and being more fully described as follows:

BEGINNING at a point on or near the centerline of Penllyn Blue Bell Pike (40' wide), said point a common corner of lands of TMP 66-00-00475-00-8 (parcel 'B') and 66-00-05185-01-4, as shown on said plan; thence, extending from said point of beginning, along said TMP 66-00-05185-01-4 lands and lands of 66-00-05182-00-8, North 47°25'20" West, 419.64 feet to a point; thence, extending on and through said TMP 66-00-00475-00-8 (parcel 'B') lands, North 57°48'23" West, 1022.30 feet to a point in on a southerly common corner of lands of TMP 66-00-06034-00-2 and 66-00-04984-52-1; thence, extending along said TMP 66-00-04984-52-1 and parcels 66-00-04984-53-9 & 66-00-00478-00-5, North 38°41'40" East, 755.59 feet to a point on or near the centerline Boehms Church Road (50' wide ultimate right-of-way); thence, extending along said Boehms Church Road centerline, North 47°52'00" West, 912.27 feet to a point, a common corner of lands of TMP 66-00-00475-00-8 (parcel 'A') and 66-00-00474-95-4; thence, leaving said centerline, extending along said TMP 66-00-00474-95-4 and parcels 66-00-06055-10-7, 66-00-06055-20-6 & 66-00-06058-00-5, North 42°13'20" East, 933.34 feet to a point; thence, extending continuing along said TMP 66-00-06058-00-5 lands, North 47°53'40" West 331.74 feet to a point on or near the centerline School Road (60' wide ultimate right-of-way); thence, extending along said School Road centerline, North 42°57'30" East, 1754.38 feet to a point on or near

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the centerline of Morris Road (80' wide ultimate right-of-way); thence, extending along said Morris Road centerline, South 47°27'48" East, 794.88 feet to a point or near the centerline of Plymouth Road (50' wide ultimate right-of-way), extended; thence, extending along said Plymouth Road centerline the following four (4) courses and distances; 1) South 10°58'40" West, 1003.89 feet to a point; 2) South 18°13'50" West, 566.14 feet to a point; 3) South 03°45'30" West, 1446.01 feet to a point; 4) South 13°02'05" West, 195.74 feet to a point on or near the centerline of the said Boehm's Church Road centerline, extended; thence, continuing along said Plymouth Road centerline, South 14°32'30" West, 270.30 feet to a point on or near the aforementioned Penllyn Blue Bell Pike centerline; thence, extending along said Penllyn Blue Bell Pike centerline, South 40°39'20" West, 337.12 feet to a point, said point being the point and place of beginning.

CONTAINING ±4,961,414 sq.ft. (±113.898 acres) of land area, be the same, more or less.