

# WHITPAIN TOWNSHIP

ORDINANCE #4-252

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AN ORDINANCE AMENDING THE ZONING ORDINANCE BY (1) AMENDING THE DEFINITION OF “FAMILY” AND ADDING NEW DEFINITIONS OF “GROUP HOME” AND “SOBER LIVING ENVIRONMENT” TO ARTICLE II, SECTION 160-7 [WORD USAGE AND DEFINITIONS]; 2) AMENDING ARTICLE V, SECTION 160-13 [USE REGULATIONS]; (3) AMENDING ARTICLE XII, SECTION 160-60 [USE REGULATIONS]; AND (4) STRIKING THE REFERENCE TO “PARK AND RECREATION DISTRICT” IN ARTICLE VI, SECTION 166-27(F)[PARK AND RECREATION OVERLAY/DEVELOPMENT REGULATIONS/SCREENING]

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## 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 #4-252

\_\_\_\_\_  
Roman M. Pronczak, P.E., Township Manager  
\_\_\_\_\_, 2020

ENACTED: \_\_\_\_\_

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**IT IS HEREBY ENACTED AND ORDAINED** by the Board of Supervisors that the Zoning Ordinance shall be amended as follows:

**SECTION 1.       Amendment to Article II, Section 160-7 [Word Usage and Definitions].**

Article II, Section 160-7 [Word Usage and Definitions] is amended to add new definitions of “Family”, “Group Home”, and “Sober Living Environment”, which shall read as follows:

**FAMILY**

Any number of individuals living together on a non-transient basis as a single housekeeping unit with single cooking facilities when said individuals are related by blood, marriage or adoption, and, in addition, any domestic servants, foster children or gratuitous guests thereof; or a group of not more than five persons who need not be so related and, in addition, domestic servants or gratuitous guests thereof who are living together in a single dwelling and maintaining a common household with single cooking facilities, including occupants that are mentally or physically handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. A roomer, boarder or lodger shall not be considered a member of a “family,” nor shall

the definition of “family” apply to the occupants of a club, fraternity house, student housing, lodge or residential club, or similar use.

### **GROUP HOME**

A residential facility used as living quarters by any number of unrelated persons requiring special care, and any attendant adult supervisors, specifically designed to create a non-transient residential setting for the mentally and physically handicapped. Any number of handicapped persons, as that term is defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit, subject to the “Mental Health Procedures Act,” 50 P.S. §§7101-7503, and shall be eligible for such facility.

### **SOBER LIVING ENVIRONMENT**

Residential facilities where six (6) or more individuals reside together either voluntarily or by court order in order to recover from drug, alcohol and/or substance abuse, which serve as an interim environment between rehabilitation facilities and reintegration into their future lives. This definition shall include recovery houses and halfway houses. This term does not include roomers, boarders, lodgers, members of a family (except those protected as suffering from a “handicap” under the provisions of Sections 3602(h) and 3604 of the Fair Housing Act) or any other use defined, described or regulated by this Chapter.

**SECTION 2.      Amendment to Article V, Section 160-13, R-1 Residence Districts.**

A. Article V, Section 160-13 [Use Regulations] is amended to add the following new subsections:

**160-13.D**      Group home, provided that the minimum off-street parking required in § 160-192, is provided, plus:

(a) One (1) additional space for each non-resident staff person; and

(b) One (1) additional space for every additional two (2) residents over the initial five (5) residents, unless satisfactory proof is submitted to the Township that such individuals are incapable or not permitted to operate a motor vehicle during the period of residency at the facility.

**160-13.E**      Sober living environment, provided that the minimum off-street parking required in § 160-192, is provided, plus:

(a) One (1) additional space for each non-resident staff person; and

(b) One (1) additional space for every additional two (2) residents

over the initial five (5) residents, unless satisfactory proof is submitted to the Township that such individuals are incapable or not permitted to operate a motor vehicle during the period of residency at the facility.

B. Subsections 160.E, 160.F and 160.G are re-designated as Subsections 160.f, 160.G and 160.H, respectively.

**SECTION 3. Amendment to Article XII, Section 160-60, R-5 Agricultural/Rural Residence District.**

A. Article XII, Section 160-60 [Use Regulations] is amended to add the following new subsections:

**160-60.F** Group home, provided that the minimum off-street parking required in § 160-192, is provided, plus:

(a) One (1) additional space for each non-resident staff person; and

(b) One (1) additional space for every additional two (2) residents over the initial five (5) residents, unless satisfactory proof is submitted to the Township that such individuals are incapable or not permitted to operate a motor vehicle during the period of residency at the facility.

**160-60.G** Sober living environment, provided that the minimum off-street parking required in § 160-192, is provided, plus:

(c) One (1) additional space for each non-resident staff person; and

(d) One (1) additional space for every additional two (2) residents over the initial five (5) residents, unless satisfactory proof is submitted to the Township that such individuals are incapable or not permitted to operate a motor vehicle during the period of residency at the facility.

B. Subsections 160.F, 160.G, and 160.H are re-designated as Subsections 160.H, 160.I, and 160.J, respectively.

**SECTION 4.           Amendment to Article VI, Section 166-27(F)[Park and Recreation Overlay/Development Regulations/Screening].**

Article VI, Section 166-27(F)[Park and Recreation Overlay/Development Regulations/Screening] is amended to strike the reference to “Park and Recreation” District, and shall read as follows:

- F. Screening. All parking shall be effectively screened by a permanent screen buffer from adjoining and contiguous Residential 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.

**SECTION 5.    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 6.           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 affect, and for this reason the provisions of this Ordinance shall be severable.

**SECTION 7.      Effective Date.**

This Ordinance shall become effective 5 days after enactment.

**ORDAINED AND ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2020, by the  
Whitpain Township Board of Supervisors.

**WHITPAIN TOWNSHIP  
BOARD OF SUPERVISORS**

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MICHELE MINNICK, *Chair*

[Seal]

Attested by:

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Frederick R. Conner, Jr. Secretary