

# WHITPAIN TOWNSHIP

ORDINANCE #4-254

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AN ORDINANCE AMENDING THE TOWNSHIP'S ZONING ORDINANCE BY (1) ADDING A DEFINITION FOR "INDEPENDENT/ASSISTED LIVING FACILITY/PERSONAL CARE HOME" TO ARTICLE II, SECTION 160-7 [DEFINITIONS/WORD USAGE AND DEFINITIONS]; (2) ADDING ARTICLE XL ENTITLED "I/AL - INDEPENDENT/ASSISTED LIVING OVERLAY"; (3) ADDING THE "I/AL - INDEPENDENT/ASSISTED LIVING OVERLAY" TO ARTICLE IV, SECTION 160-11 [ZONING DISTRICTS/ENUMERATION OF DISTRICTS]; AND (4) ADDING THE "I/AL - INDEPENDENT/ASSISTED LIVING OVERLAY" TO THE ZONING MAP, AS INCORPORATED INTO THE TOWNSHIP'S ZONING ORDINANCE ARTICLE IV [ZONING DISTRICTS/ZONING MAP] AND APPLYING IT TO THREE PROPERTIES IDENTIFIED AS MONTGOMERY COUNTY TAX MAP PARCEL NUMBERS 66-00-06340-00-2, 66-00-06334-00-8, 66-00-06337-00-5

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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 WHITPAIN TOWNSHIP, MONTGOMERY COUNTY, PA AND THAT ATTACHED HERETO IS A TRUE AND COMPLETE CORRECT COPY OF ORDINANCE #4-254.



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Roman M. Pronczak, P.E., Township Manager  
February 17, 2021

ENACTED: February 16, 2021

# WHITPAIN TOWNSHIP

## ORDINANCE #4-254

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AN ORDINANCE AMENDING THE TOWNSHIP'S ZONING ORDINANCE BY (1) ADDING A DEFINITION FOR INDEPENDENT/ASSISTED LIVING FACILITY/PERSONAL CARE HOME TO ARTICLE II, SECTION 160-7 [DEFINITIONS/WORD USAGE AND DEFINITIONS]; (2) ADDING ARTICLE XL ENTITLED "I/AL - INDEPENDENT/ASSISTED LIVING OVERLAY"; (3) ADDING THE "I/AL - INDEPENDENT/ASSISTED LIVING OVERLAY" TO ARTICLE IV, SECTION 160-11 [ZONING DISTRICTS/ENUMERATION OF DISTRICTS]; AND (4) ADDING THE I/AL - INDEPENDENT/ASSISTED LIVING OVERLAY TO THE ZONING MAP, AS INCORPORATED INTO THE TOWNSHIP'S ZONING ORDINANCE ARTICLE IV [ZONING DISTRICTS/ZONING MAP] AND APPLYING IT TO THREE PROPERTIES IDENTIFIED AS MONTGOMERY COUNTY TAX MAP PARCEL NUMBERS 66-00-06340-00-2, 66-00-06334-00-8, 66-00-06337-00-5

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**NOW THEREFORE**, it is ENACTED AND ORDAINED by the Board of Supervisors that the Township's Zoning Ordinance shall be amended as follows:

**SECTION 1.      ADDING A DEFINITION FOR INDEPENDENT/ASSISTED LIVING FACILITY/PERSONAL CARE HOME**

Article II, Section 160-7 [Definitions/Word Usage and Definitions] is amended to include a definition for "Independent/Assisted Living Facility/Personal Care Home", which will read as follows

INDEPENDENT/ASSISTED LIVING FACILITY/PERSONAL CARE HOME — a long-term housing facility exclusively for persons 62 years of age or older, or persons under 62 years of age with comparable needs, which facilities include within the same single structure, individual sleeping quarters, common dining facilities, recreational features, special safety and convenience features designed for the needs of the elderly, and services for residents such as transportation, housekeeping, linen/laundry, and organized social and recreational activities. Units designed for "independent

living” may contain kitchens. Units designed for “assisted living” or “memory care” may only contain Kitchenettes.

**SECTION 2.        ADDING ARTICLE XL ENTITLED "I/AL - INDEPENDENT/ASSISTED LIVING OVERLAY"**

Article XL entitled "I/AL - Independent/Assisted Living Overlay" is added to the Township’s Zoning Ordinance, which will read as follows:

**ARTICLE XL  
I/AL Independent/Assisted Living Overlay**

**Section 160-262. Legislative Intent.**

In expansion of the Community Development objectives contained in Article III, it is hereby declared to be the intent of this article with respect to I/AL - Independent/Assisted Living Overlay to overlay and supplement the existing or hereafter created underlying districts, to encourage the redevelopment of legally non-conforming commercial facilities on residentially-zoned properties with uses more compatible with adjacent residential uses; to provide for needed residential facilities for the elderly; to assure the suitable design of such facilities and uses in order to protect the environment of the adjacent and nearby neighborhoods; and to insure that such uses will take place only when served by adequate public infrastructure. The protective standards in this article are intended to minimize any unanticipated adverse impacts of Independent/Assisted Living/Personal Care Home on nearby premises.

**Section 160-263. Requirement to qualify for overlay.**

In order to qualify for the I/AL Overlay, the land which is proposed for development must be located within the I/ AL Overlay depicted on the Township’s Zoning Map.

**Section 160-264. Permitted Uses.**

In the I/ AL - Independent/Assisted Living Overlay, a building or a combination of buildings may be erected or used, and a lot area may be used or occupied for any of the following purposes and no other:

- A. Independent/Assisting Living Facility/Personal Care Home, with or without memory care.

B. Accessory uses on the same lot with and incidental to permitted uses

**Section 160-265. Independent/Assisted Living Overlay  
Development Regulations**

- A. Area and width. Independent/Assisted Living/Personal Care Home. The Lot on which an Independent/Assisted Living/Personal Care Home facility is to be located shall not contain less than six (6) acres, shall contain no less than four and one half (4.5) developable acres and shall have a width of not less than five hundred (500) feet measured along the building line of any building.
- B. Lot coverage. Independent/Assisted/Personal Care Home. The total area covered by buildings, parking lots and vehicular access ways of the Independent Assisted Living Personal Home Care Development shall not exceed 50% of the developable lot area. The remaining area shall be used for and maintained as green area. No more than 10% of this remaining area may be covered by blacktop, concrete or similar impervious material, which shall be used for non-vehicular purposes only.
- C. Height. The maximum height of any Independent/Assisted/Personal Care Home shall be 2 stories.
- D. Density. Independent/Assisted/Personal Home Care. The maximum number of bedrooms or beds permitted shall be determined based upon the following ratio: The number of any combination of one and two bedroom units for any project shall be determined based upon the ratio of 1.30 beds per 850 average gross square feet of building maximum. In no event shall an Independent/Assisted Living Personal Care Home exceed a total of 110 bedrooms in each Independent/Assisted Living Personal Care Home.
- E. Yard requirements.
- (1) Independent/Assisted/Personal Care Home
- (a) Front. The minimum depth of a front yard of an Independent/Assisted Personal Care Home shall be 50 feet, measured from the ultimate right-of-way line of the street on which the building fronts.

(b) Side. For each Independent/Assisted Personal Care Home building there shall be two side yards of not less than 20 feet each.

(c) Rear. There shall be established for each Independent/Assisted Personal Care Home building a rear yard of at least 50 feet in depth.

F. Parking. 1.0 parking spaces shall be provided per independent living development unit and 0.70 spaces per Assisted Living/Personal Care Home unit.

G. Buffering of parking. Parking areas for the Independent/Assisted/Personal Care Home shall be buffered from all buildings by at least 10 feet of open buffer. Parking areas shall be at least 15 feet from all property lines, except when abutting a residentially zoned district, in which case parking shall be at least 50 feet from the property lines.

H. Building standards.

(1) Rear and side facades shall be of finished quality and shall be of a color that is similar to the front facade and blend with structures within the development. All buildings shall have a common and coherent architectural theme throughout the development.

(2) Building facades along any public street or right-of-way shall be interrupted at least once every 100 feet by an offset in the façade of the building of 2 feet from the face of the adjacent building façade.

(3) A minimum of 25% of the surface area along a public street must be covered with masonry veneer, stone or similar material and shall include the use of stucco, siding, and other similar material with complimentary colors for the siding and use of contrasting color at window and door trim and exterior facias.

(4) Roof lines shall be varied to add visual interest and to reduce the scale of larger buildings. No roof slope shall be less than a slope of 3:12 and no greater than 6:12 for main roofs. Gables and other accent roof areas including dormers shall be no greater than 8:12 pitch.

**SECTION 3.            AMENDMENT TO ARTICLE IV, SECTION 160-11 [ZONING DISTRICTS/ENUMERATION OF DISTRICTS]**

Article IV, Section 160-11 [Zoning Districts/Enumeration of Districts] is amended to add "I/AL - Independent/Assisted Living Overlay" and shall read as follows:

**Section 160-11. Enumeration of districts.**

For the purpose of this chapter, Whitpain Township is hereby divided into 21 zoning districts and 6 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

## Zoning Districts

- 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
- Independent/Assisted Living Overlay

### **SECTION 4. AMENDMENT TO TOWNSHIP'S ZONING MAP**

The Township's Zoning Map, as last revised and incorporated into the Township's Zoning Ordinance, Article IV [Zoning Districts/Zoning Map] is hereby by modified applying the I/AL - Independent/Assisted Living Overlay the 7.242 acre parcel of land described in the metes and bounds description that is attached hereto as Exhibit "A"

The provisions and requirements of the I/AL - Independent/Assisted Living Overlay shall be additional and supplemental to the underlying zoning of these three overlaid properties, however, where I/AL - Independent/Assisted Living Overlay provisions and regulations differ from such underlying zoning, and if the properties are used pursuant to the I/AL - Independent/Assisted Living Overlay, the Retirement Community Overlay I/AL - Independent/Assisted Living Overlay's provisions and requirements shall control.

The Township Engineer is directed to revise the Zoning Map, as last revised, to incorporate the above application of the I/AL - Independent/Assisted Living Overlay.

**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 effect, 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.

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**ORDAINED AND ENACTED** this 16<sup>th</sup> day of February 2021, 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