

WHITPAIN TOWNSHIP

ORDINANCE #4-258

AN ORDINANCE AMENDING THE ZONING ORDINANCE BY ADDING PROVISIONS FOR OPEN OR ENCLOSED PORCHES, DECKS, OR PATIOS AND FENCES WITHIN THE SETBACK FROM PROPERTY LINES TO ARTICLE VIII, SECTION 160-42.H [DEVELOPMENT REQUIREMENTS/ACCESSORY BUILDINGS OR STRUCTURES]

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 #4-258.

Roman M. Pronczak, P.E., Township Manager
_____, 2021

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 VIII, Section 160-42 [Development Requirements], Subsection H [Accessory Buildings or Structures].

Article VIII, Section 160-42 [Development Requirements], Subsection H [Accessory Buildings or Structures] is amended to add a new subsection (2)(a), **with the bolded text indicating new language**, as follows:

- (2) Where individual lots have not been created, only those accessory buildings, structures or uses as specifically shown on the land development plans for the development may be constructed or installed, and an accessory building, structure or use not specifically shown on the land development plans for the development shall not thereafter be permitted.
 - (a) **Notwithstanding the above, an attached open or enclosed porch, deck or patio and/or fence, not greater than 14 feet in height from the top of the floor elevation or paved patio, may be constructed to project no further than 20 feet into the setback from property lines required by § 160-41.B(4) provided the property owner evidences express written permission of any applicable homeowners' association to permit such structure.**

SECTION 3. 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any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.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 4. 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 5. Effective Date.

This Ordinance shall become effective 5 days after enactment.

ORDAINED AND ENACTED this ____ day of _____ 2021, by the Whitpain Township Board of Supervisors.

**WHITPAIN TOWNSHIP
BOARD OF SUPERVISORS**

MICHELE MINNICK, *Chair*

[Seal]

Attested by:

FREDERICK R. CONNER, JR., *Secretary*