

# WHITPAIN TOWNSHIP

ORDINANCE #4-249

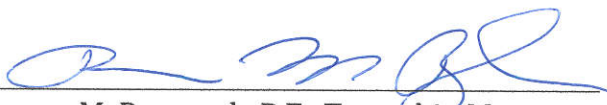
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AN ORDINANCE AMENDING THE ZONING ORDINANCE BY (1) AMENDING ARTICLE II, SECTION 160-7 [WORD USAGE AND DEFINITIONS] TO ADD DEFINITIONS FOR STREET, ARTERIAL STREET, COLLECTOR STREET, AND LOCAL STREET; (2) AMENDING ARTICLE XI, SECTION 160-56(A) [R-4 VILLAGE PRESERVATION DISTRICT/DEVELOPMENT REGULATIONS/AREA, WIDTH, YARD, AND COVERAGE REGULATIONS] TO REVISE NOTE "F" BY DELETING PROVISION ALLOWING ACCESSORY USE STRUCTURE WITHIN REAR YARD NOT LESS THAN 10 FEET FROM PROPERTY LINE; (3) ARTICLE XXVIII, SECTION 160-201(D) [GENERAL PROVISIONS/MAXIMUM STRUCTURAL HEIGHTS/GROUND MOUNTED SATELLITE AND OTHER SIMILAR DEVICES] TO INCLUDE ACCESSORY STRUCTURES AND REQUIRE AT LEAST 25 FEET FROM THE REAR RIGHT-OF-WAY FOR REVERSE FRONTAGE LOTS; (4) REVISING THE SECTION HEADING FOR ARTICLE XXVIII, SECTION 160-202 [GENERAL PROVISIONS/PROJECTIONS INTO FRONT YARDS] TO READ "RESIDENTIAL PROJECTIONS IN THE FRONT YARDS"; (5) RETITLING THE SECTION HEADING FOR ARTICLE XXVIII, SECTION 160-203 [GENERAL PROVISIONS/ PROJECTIONS INTO SIDE YARDS] TO READ "RESIDENTIAL PROJECTIONS INTO SIDE YARDS"; (6) REPLACING ALL REFERENCES TO "IMPERVIOUS COVERAGE" WITH "NON-GREEN AREA" IN ARTICLE XXVIII, SECTION 160-214(C)(2); AND (7) AMENDING THE ZONING ORDINANCE TO REPLACE REFERENCES TO "PRIMARY" STREET WITH "ARTERIAL OR COLLECTOR" STREET AND REFERENCES TO "SECONDARY" STREET WITH "LOCAL" STREET.

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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 #4-249

  
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Roman M. Pronczak, P.E., Township Manager  
May 2, 2018

ENACTED: May 1, 2018

# WHITPAIN TOWNSHIP

ORDINANCE #4-249

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AN ORDINANCE AMENDING THE ZONING ORDINANCE BY (1) AMENDING ARTICLE II, SECTION 160-7 [WORD USAGE AND DEFINITIONS] TO ADD DEFINITIONS FOR STREET, ARTERIAL STREET, COLLECTOR STREET, AND LOCAL STREET; (2) AMENDING ARTICLE XI, SECTION 160-56(A) [R-4 VILLAGE PRESERVATION DISTRICT/DEVELOPMENT REGULATIONS/AREA, WIDTH, YARD, AND COVERAGE REGULATIONS] TO REVISE NOTE "F" BY DELETING PROVISION ALLOWING ACCESSORY USE STRUCTURE WITHIN REAR YARD NOT LESS THAN 10 FEET FROM PROPERTY LINE; (3) ARTICLE XXVIII, SECTION 160-201(D) [GENERAL PROVISIONS/MAXIMUM STRUCTURAL HEIGHTS/GROUND MOUNTED SATELLITE AND OTHER SIMILAR DEVICES] TO INCLUDE ACCESSORY STRUCTURES AND REQUIRE AT LEAST 25 FEET FROM THE REAR RIGHT-OF-WAY FOR REVERSE FRONTAGE LOTS; (4) REVISING THE SECTION HEADING FOR ARTICLE XXVIII, SECTION 160-202 [GENERAL PROVISIONS/PROJECTIONS INTO FRONT YARDS] TO READ "RESIDENTIAL PROJECTIONS IN THE FRONT YARDS"; (5) RETITLING THE SECTION HEADING FOR ARTICLE XXVIII, SECTION 160-203 [GENERAL PROVISIONS/ PROJECTIONS INTO SIDE YARDS] TO READ "RESIDENTIAL PROJECTIONS INTO SIDE YARDS"; (6) REPLACING ALL REFERENCES TO "IMPERVIOUS COVERAGE" WITH "NON-GREEN AREA" IN ARTICLE XXVIII, SECTION 160-214(C)(2); AND (7) AMENDING THE ZONING ORDINANCE TO REPLACE REFERENCES TO "PRIMARY" STREET WITH "ARTERIAL OR COLLECTOR" STREET AND REFERENCES TO "SECONDARY" STREET WITH "LOCAL" STREET.

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

**SECTION 1.**        **Amendment to Article II, Section 160-7 [Word Usage and Definitions] to add definitions for Street, Arterial Street, Collector Street, and Local Street.**

Article II, Section 160-7 [Word Usage and Definitions] is amended to add the following definitions:

**STREET**

A general term used to describe a right-of-way, public or privately owned, serving as a means of vehicular and pedestrian travel, furnishing access to abutting properties, with space for sewers and public utilities.

(1) ARTERIAL

A through street originating outside the Township and carrying large volumes of traffic. It provides the highest level of service at the greatest speed for the longest uninterrupted distance, with some degree of access control. This definition shall include those streets identified as Arterial Streets in the Chapter 129, the Subdivision and Land Development Code.

(2) COLLECTOR

A street collecting the traffic of local streets and delivering to arterial streets. It provides a less highly developed level of service at a lower speed for shorter distances by collecting traffic from local roads and connecting them with arterials. This definition shall include those streets identified as Arterial Streets in the Chapter 129, the Subdivision and Land Development Code.

(3) LOCAL

A minor street serving residential properties. It consists of all roads not defined as arterials or collectors; primarily provides access to land with little or no through movement

**SECTION 2. Article XI, Section 160-56(A) [R-4 Village Preservation District/Development Regulations/Area, Width, Yard and Coverage Regulations]**

Article XI, Section 160-56(A) [R-4 Village Preservation District/Development Regulations/Area, Width, Yard, and Coverage Regulations] shall be amended to revise Note "F" by deleting the provision allowing accessory use structure within rear yard not less than 10 feet from property line, read as follows:

160-56. **Development regulations.**

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A.

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NOTES:

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A rear yard of not less than "F" feet.

**SECTION 3. Amendment to Article XXVIII Section 160-201(D) [General Provisions/Maximum Structural Heights/Ground Mounted Satellite Dishes and Other Similar Devices]**

Article XXVIII, Section 160-201(D) [General Provisions/Maximum Structural Heights/Ground Mounted Satellite Dishes and Other Similar Devices] shall be amended in its entirety to read as follows:

**160-201 Maximum Structural Heights.**

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- D. Ground-mounted satellite dishes, other similar devices, and any other structures may be placed on a lot as an accessory use only, but shall conform to all required setback and yard requirements applicable to accessory structures in the District in which they are located. Such structures or devices shall not be situated between the front line of any building on the premises and the ultimate right-of-way of the property. For reverse frontage lots, the accessory structures must be at least 25 feet from the property's rear ultimate right-of-way.

**SECTION 4. Retitling of Article XXVIII, Section 160-202 [General Provisions/Projections into the Front Yards]**

Article XXVIII, Section 160-202 [General Provisions/Projections into Front Yards] shall be retitled to read "Residential Projections into Front Yards". The remainder of this Section shall remain unchanged.

**SECTION 5. Retitling of Article XXVIII, Section 160-203 [General Provisions/Projections into the Side Yards]**

Article XXVIII, Section 160-203 [General Provisions/Projections in the Side Yards] shall be retitled to read "Residential Projections in the Side Yards". The remainder of this Section shall remain unchanged.

**SECTION 6. Amendment to Article XXVIII. Section 160-214(C)  
[General Provisions/Green Area Regulations/Require  
Green Area].**

Article XXVIII, Section 160-214(C) [General Provisions/Green Area Regulations/Required Green Area] shall be amended by replacing all references to "impervious coverage" with "non-green area" in sub-sections 2, 5 and 6. The remainder of this Section shall remain unchanged.

**SECTION 7. Amendment to Zoning Ordinance replacing all references to "primary" road or street or "arterial or collector street", and replacing all references to "secondary" road or street with "local street."**

Sections 160-45; 160-48; 160-69; 160-77; 160-80; 160-119; 160-191.2; 160-209; and 160-Attachment 3, shall be amended to replace all references to "primary" road or street with "arterial or collector street", and replacing all references to "secondary" road or street with "local street." The remainder of these Sections shall remain unchanged.

**SECTION 8. Amendment to Article V. Section 160-24(E)  
[Residence Districts/Standards for conditional use of  
cluster development].**

Section 160-24(E)(2)(l)(1) shall be amended to read as follows:

160-24. Standards for conditional use of cluster development.

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E. A cluster subdivision option shall be subject to the following regulations:

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(2) Lot requirements. Each subdivided lot shall be subject to the following minimum area, width and yard and maximum height and building requirements:

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(l) Access restrictions. The Supervisors may impose the following additional conditions upon recommendation by the Township Planning Commission:

[1] Reverse frontage or marginal access road design shall be provided along arterial or collector streets.

**SECTION 9.      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 10.      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 11.      Effective Date**

This Ordinance shall become effective 5 days after enactment.

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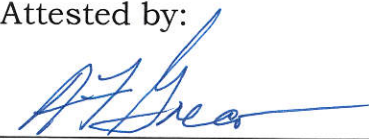
**ORDAINED AND ENACTED** this 1st day of May 2018, by the Whitpain Township Board of Supervisors.

**WHITPAIN TOWNSHIP  
BOARD OF SUPERVISORS**

  
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ADAM D. ZUCKER, *Chairman*

[Seal]

Attested by:

  
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ANTHONY F. GRECO  
*Secretary*