

FREQUENTLY ASKED QUESTIONS

Q. Why is the Board of Supervisors taking this action?

A. The Township declared that the Park and Recreation classification in its zoning ordinance is substantively invalid. The Township made the determination after reviewing the Park and Recreation classification and the permitted uses under the zoning. The Board of Supervisors took action to protect properties zoned Park and Recreation from over development that could have occurred if a landowner had challenged the validity of the zoning classification and won relief in court.

Q. Has a landowner ever successfully challenged zoning validity?

A. The new King of Prussia Town Center in Upper Merion was permitted after a lengthy court fight on the validity of the zoning of the property. Other examples include municipalities where billboards are not permitted. Even in Whitpain, the zoning for Blue Bell Springs was the result of a zoning challenge.

Q. What does the Board of Supervisors' action mean?

A. The Board of Supervisors on December 19 voted to declare the Park and Recreation classification of its zoning ordinance invalid. This action is permitted under the Section 609.2 of Pennsylvania Municipalities Planning Code. The action means the Township has found issues with the zoning classification and must now adopt a zoning amendment to address those issues.

Q. What happens next?

A. The Board of Supervisors has 30 days to act on a resolution that specifies why the zoning classification is invalid and requires a revision. The Board plans to act on that resolution at its meeting on January 16. The Township has 180 days from December 19, 2017 to adopt a zoning amendment that cures the issues that the Township identifies as making the classification invalid.

Q. How many properties are zoned Park and Recreation?

A. There are 24 parcels of land zoned Park and Recreation. The Township owns six of the properties. The Wissahickon Valley Watershed Association owns four and Montgomery County owns one. Properties that are zoned Park and Recreation include Cedarbrook Country Club, Bluestone Country Club (formerly Meadowlands), Mermaid Swim Club and Beachcomber Swim Club.

<http://www.whitpaintownship.org/DocumentCenter/View/489>

Q. If the Board of Supervisors adopts a new zoning amendment, what happens to the uses on a property zoned Park and Recreation?

A. The current use on a property zoned Park and Recreation would be permitted to continue.

Q. Does the action mean properties zoned Park and Recreation will be redeveloped?

A. Not necessarily. A landowner would have to make the determination to pursue redevelopment of a property. The owner would have to first file a land development application and comply with the requirements of codes that will be established. However, it is important to note there is no requirement to do anything different with a property currently zoned Park and Recreation.

Q. Would a new zoning amendment establish different zoning for properties currently zoned Park and Recreation?

A. New zoning for the properties would come after discussion with residents and landowners. Any zoning would seek to be compatible and comparable to uses surrounding land zoned Park and Recreation.

Q. How can I be involved?

A. You can contact the Township with any questions at supervisors@whitpaintownship.org. You may also attend the Board of Supervisors meeting on January 16.

Q. Why did the Board decide to act now?

A. A few of the larger Park and Recreation parcels are under significant development pressure. Given this interest in development, the Township's Solicitor took a close look at the Park and Recreation zoning classification and determined that it was substantially invalid.

Q. What does this have to do with the efforts to preserve Meadowlands back in 2015?

A. When Meadowlands came under development pressure in 2015, the Township was aware that the Park and Recreation Zoning classification could potentially be challenged and attempted to work with property owners to preserve this important parcel. Because of development pressures on other properties with this zoning classification and based on court decisions the risk of having over-development forced on the Township was greater. Because of this, it was decided that now is the appropriate time to take proactive measures to ensure that any land development proposals are reasonable and consistent with the Township's planning efforts.