

WHITPAIN TOWNSHIP  
BOARD OF SUPERVISORS

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WHEREAS, on December 19, 2017, this Board, in accord with the Pennsylvania Municipalities Planning Code ("MPC"), Section 609.2, entitled "Procedures for Municipal Curative Amendments", determined and declared that Article VI, Section 160-26 of its Zoning Ordinance, entitled "P-R Park and Recreation District/Permitted Uses", was substantively invalid and proposed to prepare a municipal curative amendment to overcome such declared invalidity ("Invalidity Declaration and Cure Proposal").<sup>1</sup>

WHEREAS, under the MPC, after making its Invalidity Declaration and Cure Proposal, this Board has 30-days to enact a resolution, wherein the Township is required to (1) make specific findings setting forth the Township's declared invalidity; and (2) commence the municipal curative amendment process to correct the declared invalidity ("Invalidity Resolution").<sup>2</sup>

AND NOW, THEREFORE, BE IT RESOLVED this 16<sup>th</sup> day of January 2018, that this Board enacts this Invalidity Resolution as follows:

P-R PROPERTIES

1. The Township's P-R Park and Recreation District consists of 24 properties ("P-R Properties").
2. 16 properties are either (a) public spaces (e.g., municipal parks), preserved as open space by the Township, County, or Wissahickon Valley Watershed Association; or (b) utility facilities (e.g., PECO transmission corridor, Township detention basin). These properties are identified on the attached Table 1 and Map 1. Future changes in the use of these properties is unlikely.
3. The remaining 8 properties are privately owned. Due to their respective private ownership and lot size, these properties could change use in the future. These properties, which are also identified on the attached Table 1 and Map 1, include:

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<sup>1</sup> See MPC, Section 609.2(1).

<sup>2</sup> See MPC, Section 609.2(1)(i).

- Cedarbrook Country Club:  
*Current Use*: Golf/Country Club
- Bluestone Golf Club (formerly Meadowlands):  
*Current Use*: Golf/Country Club
- Mermaid Swim Club (consists of 2 parcels):  
*Current Use*: Swim Club
- Beachcomber Swim Club:  
*Current Use*: Swim Club
- 152 Mathers Rd./Reeves Properties, LLC:  
*Current Use*: Undeveloped w/ Floodplain
- Mathers Rd. LP:  
*Current Use*: Undeveloped
- Whitpain Greens Swim Club:  
*Current Use*: Swim Club

SPECIFIC FINDINGS AS TO DECLARED INVALIDITY

4. Article VI, Section 160-26 [P-R Park and Recreation District/Permitted Uses] of the Township's Zoning Ordinance, as amended, is substantively invalid as to permitted use.
5. Specifically, the P-R Park and Recreation District's permitted uses are very limited and significantly fewer than the uses on surrounding properties in other Township Zoning Districts—many of which are very similar in physical characteristics and location to the P-R Properties.
6. Specifically, under Article VI, Section 160-26 [P-R Park and Recreation District/Permitted Uses] of the Township's Zoning Ordinance, permitted uses are limited to the following:

§ 160-26 Permitted uses.

Land may be used or occupied and buildings and structures may be erected, altered and used for any of the following purposes and no other:

- A. Public park or recreation area for open space recreation, owned and operated by a governmental agency.
- B. Woodland, game preserve, nature areas or other conservation purposes.
- C. Privately owned outdoor recreational areas or use, including but not limited to a park, picnic ground, riding academy, golf course, swimming pool, day camp, ice-skating rink, nature area and tennis courts, including facilities for team sports such as baseball, football, basketball and soccer.
- D. Uses accessory to permitted uses, provided that each building or structure is clearly incidental to the permitted outdoor use.
- E. Historic monuments and publicly owned buildings which are open for public viewing and inspection.
- F. Any use of the same general character as any of the uses specifically permitted when authorized as a special exception, provided that the use and its design are compatible with the character of the area in which it is located and that any club or lodge building and its services shall be for the use of members and their guests only.

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### CURE PROPOSAL

- 7. This Board proposes to cure the declared Township's Zoning Ordinance invalidity by enacting a municipal curative amendment, in accord with MPC Section 609.2, which will:
  - (a) rezone the P-R Properties to permit broader uses that are better physically-suited for the respective properties and more consistent with adjoining, similarly situated properties; and
  - (b) apply the existing P-R Park and Recreation District zoning as an overlay to these properties ("Park and Recreation Overlay"). The provisions and requirements of the Park and Recreation Overlay shall be additional and supplemental to the new underlying zoning of the P-R Properties, however, where those regulations differ from the new underlying zoning of the P-R Properties, and the property is used pursuant to the Park and Recreation Overlay, the provisions and requirements of the Park and Recreation Overlay shall control.

8. The P-R properties shall be rezoned as listed in the "Proposed Zone" column of the attached Table 1. As noted above, these properties shall have the Park and Recreation Overlay applied to them.
9. This Board acknowledges its obligation under the MPC to enact the proposed municipal curative amendment no later than 180-days from this Board's December 19, 2017 Invalidity Declaration and Cure Proposal, after proper notice and public hearing.<sup>3</sup>
10. Accordingly, the Township's Planning Commission, Engineer, Zoning Officer, and Solicitor are directed to immediately commence the municipal curative amendment process to correct the declared invalidity of the Township's Zoning Ordinance, and ensure its enactment within the MPC's prescribed time-period.

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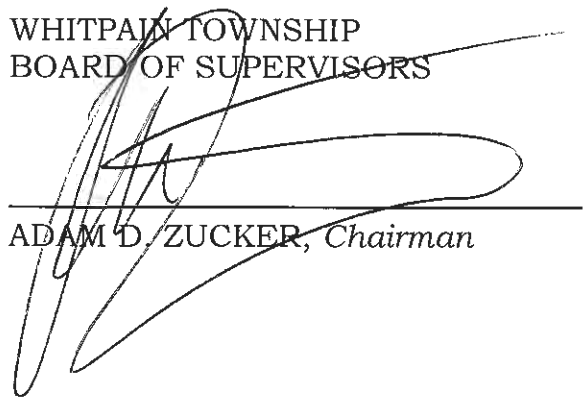
DULY PRESENTED AND ADOPTED by this Board at a public meeting held this 16th day of January 2018.

Attest:



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ANTHONY F. GRECO, *Secretary*

WHITPAIN TOWNSHIP  
BOARD OF SUPERVISORS



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ADAM D. ZUCKER, *Chairman*

<sup>3</sup> See MPC, Section 609.2(2).

MAP 1

# WHITPAIN TOWNSHIP



960 Wentz Road  
Blue Bell, PA 19422

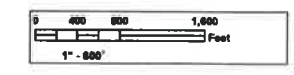


**P-R Exhibit**

**P-R** Park and Recreation

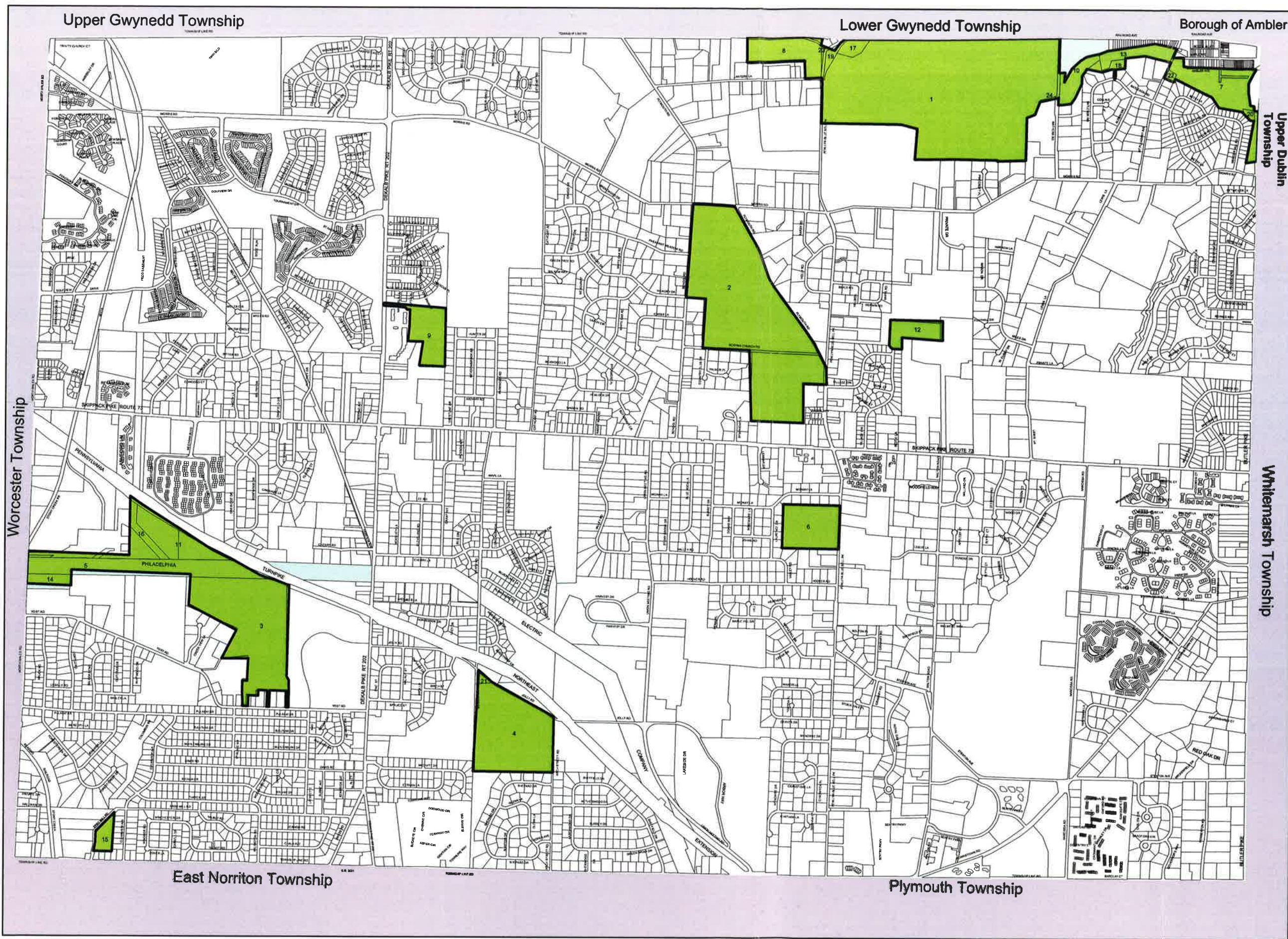
### P-R - Parcel Details

ID/Member/Parcel Num	Address	Owner	Common Name	Acres
1	180 PENNLYN BLUE BELL PIKE	CEDARBROOK COUNTRY CLUB	Cedarbrook Country Club	181.7902
2	711 BOYDING CHURCH RD	BSK MEADOWS REALTY PARTNERS LP	Bluestone	124.9356
3	1527 YOST RD	WHITPAIN TOWNSHIP	Center Square Park	42.0623
4	1000 JOLLY RD	MERMAID REALTY PARTNERS LP	Mermaid Swim Club	46.0612
5	1345 DEKALB PIKE	PECO	PECO	42.5049
6	1021 PENNLYN BLUE BELL PIKE	WHITPAIN TOWNSHIP	Wertz Tract	19.7144
7	40 W MT PLEASANT AVE	WHITPAIN TOWNSHIP	Wissahickon Park	18.6677
8	649 Lantem Ln	Wissahickon Valley Watershed Association	Wissahickon Creek	16.3677
9	162 DEKALB PIKE	BERARDELLI ENTERPRISES LLC	Beachcomber Swim Club	16.2459
10	153 MATHERS RD	REEVES PROPERTIES LLC	152 Mathers Rd	16.0066
11	NORTH WALES RD	PECO	PECO	15.1075
12	162 VILLAGI CIR	WHITPAIN TOWNSHIP	Village Basin	7.9497
13	W MT PLEASANT AVE	WISSAHICKON VALLEY WATERSHED ASSOCIATION	Wissahickon Creek	7.7732
14	1250 NORTH WALES RD	PECO	PECO	5.0907
15	1778 ERBS MILL RD	WHITPAIN GREENS SWIM CLUB	Whitpain Greens Swim Club	3.7968
16	1340 SKIPPACK PIKE	PECO	PECO	3.7575
17	PENNLYN BLUE BELL PIKE	WISSAHICKON VAL WATERSHED ASSOC	Wissahickon Creek	3.0926
18	247 BATTLESON RD	WHITPAIN TOWNSHIP	Whitpain Township	2.0992
19	50 PENNLYN BLUE BELL PIKE	MONTGOMERY COUNTY	Montgomery County	1.8111
20	MERCER HILL RD	WHITPAIN TOWNSHIP	Whitpain Township	0.9024
21	1198 JOLLY RD	MERMAID REALTY PARTNERS LP	Mermaid Swim Club	0.7806
22	233 W MT PLEASANT AVE	WHITPAIN TOWNSHIP	Wissahickon Park	0.6725
23	649 LANTERN LN	WISSAHICKON VALLEY WATERSHED ASSOCIATION	Wissahickon Creek	0.2664
24	152 MATHERS RD	152 MATHERS RD	152 Mathers Rd	0.0025



Sheet 1 of 1

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**Table 1** Revised 1/4/18

IDNumber	PARCEL_NUM	LOCATION1	OWN1	Common Name	Acreege	Proposed Zone
1	660005413002	180 PENLLYN BLUE BELL PIKE	CEDARBROOK COUNTRY CLUB	Cedarbrook Country Club	181.7902	R-5
2	660000475008	711 BOEHMS CHURCH RD	BSK MEADOWS REALTY PARTNERS LP	Bluestone	124.9356	R-1
3	660008515005	1527 YOST RD	WHITPAIN TOWNSHIP	Centre Square Park	62.0623	R-1
4	660002926005	1002 JOLLY RD	MERMAID REALTY PARTNERS LP	Mermaid Swim Club	46.0612	R-1
5	660001576005	1245 DEKALB PIKE	PECO	PECO	42.9049	R-1
6	660005155008	1051 PENLLYN BLUE BELL PIKE	WHITPAIN TOWNSHIP	Wurts Tract	19.7144	R-1
7	660004408008	40 W MT PLEASANT AVE	WHITPAIN TOWNSHIP	Wissahickon Park	18.6677	R-2
8	660003139008	649 Lantern Ln	WISSAHICKON VAL WATERSHED ASSOC	Wissahickon Creek	16.3677	R-5
9	660001828005	652 DEKALB PIKE	BERARDELLI ENTERPRISES LLC	Beachcomber Swim Club	16.2459	R-3B
10	660003547005	152 MATHERS RD	REEVES PROPERTIES LLC	152 Mathers Rd	16.0066	R-1
11	660004849008	NORTH WALES RD	PECO	PECO	15.1035	R-1
12	660008093247	802 VILLAGE CIR	WHITPAIN TOWNSHIP	Village Basin	7.9497	R-5
13	660004369002	W MT PLEASANT AVE	WISSAHICKON VAL WATERSHED ASSOC	Wissahickon Creek	7.7732	R-1
14	660004843005	1250 NORTH WALES RD	PECO	PECO	5.0907	R-1
15	660007693008	1776 ERBS MILL RD	WHITPAIN GREENS SWIM CLUB	Whitpain Greens Swim Club	3.7968	R-2
16	660006412002	1840 SKIPPACK PIKE	PECO	PECO	3.7575	R-1
17	660005416107	PENLLYN BLUE BELL PIKE	WISSAHICKON VAL WATERSHED ASSOC	Wissahickon Creek	3.0926	R-5
18	660000152205	247 BATTLESON RD	WHITPAIN TOWNSHIP	Whitpain Township	2.0992	R-1
19	660005416008	50 PENLLYN BLUE BELL PIKE	MONTGOMERY COUNTY	Montgomery County	1.8111	R-5
20	660003928002	MERCER HILL RD	WHITPAIN TOWNSHIP	Whitpain Township	0.9024	R-2
21	660002923008	1198 JOLLY RD	MERMAID REALTY PARTNERS LP	Mermaid Swim Club	0.7806	R-1
22	660004405002	210 W MT PLEASANT AVE	WHITPAIN TOWNSHIP	Wissahickon Park	0.6725	R-1
23	660003139008	649 LANTERN LN	WISSAHICKON VAL WATERSHED ASSOC	Wissahickon Creek	0.2664	R-5
24	660005413011	MATHERS RD	MATHERS ROAD LP	Mathers Rd	0.0025	R-5

**Legend**

	Preserved as open space (e.g., park) or utility facility (transmission corridor)
	Private owner