

WHITPAIN TOWNSHIP

ORDINANCE NO. 4-265

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WHITPAIN AT PART II [GENERAL LEGISLATION], CHAPTER 160 [ZONING], BY AMENDING AND RESTATING ARTICLE II [DEFINITIONS], ARTICLE XIX [C COMMERCIAL DISTRICTS], AND ARTICLE XXXVIII [COMMUNITY SHOPPING CENTER OVERLAY DISTRICT] TO PROVIDE SPECIFIC DEFINITIONS, STANDARDS AND CRITERIA FOR A DRIVE-THROUGH VEHICLE CARE FACILITY AS A SPECIAL EXCEPTION AND A CONDITIONAL USE

CERTIFICATION

I, ERIC TRAUB, 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 NO. 4-265.



Eric Traub, Township Manager

Aug. 7, 2024

ENACTED: 8-6-2024

WHITPAIN TOWNSHIP

ORDINANCE NO. 4-265

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WHITPAIN AT PART II [GENERAL LEGISLATION], CHAPTER 160 [ZONING], BY AMENDING AND RESTATING ARTICLE II [DEFINITIONS], ARTICLE XIX [C COMMERCIAL DISTRICTS], AND ARTICLE XXXVIII [COMMUNITY SHOPPING CENTER OVERLAY DISTRICT] TO PROVIDE SPECIFIC DEFINITIONS, STANDARDS AND CRITERIA FOR A DRIVE-THROUGH VEHICLE CARE FACILITY AS A SPECIAL EXCEPTION AND A CONDITIONAL USE

WHEREAS, the Board of Supervisors of Whitpain Township is duly empowered by the Second Class Township Code, 53 P.S. § 65101, *et seq.*, to enact certain regulations relating to the public health, safety welfare of the residents of Whitpain Township;

WHEREAS, the Board of Supervisors of Whitpain Township has adopted a comprehensive zoning ordinance, known as the Whitpain Township Zoning Ordinance of 1950, as amended, in accordance with the provisions of Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, *et seq.*, which is intended to provide for the orderly development and redevelopment of Whitpain Township;

WHEREAS, the Second Class Township Code and Pennsylvania Municipalities Planning Code, *supra*, authorize the Board of Supervisors to make, amend and adopt amendments to the Whitpain Township Zoning Ordinance of 1950, as amended, that are consistent with the Constitution and laws of the Commonwealth that it deems necessary for the proper management and control of the Township and the best interests of its residents; and

WHEREAS, the Board of Supervisors of Whitpain Township have determined that certain amendments to the Whitpain Township Zoning Ordinance of 1950, as amended, are required to provide for specific regulation for the drive-through vehicle care facility use within Whitpain Township.

NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Whitpain Township Board of Supervisors that the Township's Code is amended as follows:

SECTION 1. Amendment to Chapter 160 [Zoning], Article II [Definitions], Section 7 [Word Usage and Definitions], Subsection B [Definitions] to add a definition for carwash.

The Code of the Township of Whitpain, Part II [General Legislation], Chapter 160 [Zoning], Article II [Definitions], Section 7 [Word Usage and Definitions], Subsection B [Definitions] is hereby restated and amended to add the following:

DRIVE-THROUGH VEHICLE CARE FACILITY

A non-residential facility specifically designed for vehicle care services to be performed by mechanized means, attendant employees or by the customer-motorists where vehicles move through a facility or are intended to remain on the property for only a short period of time for the services to be performed. This use includes all types of car washes, rapid oil change businesses, windshield replacement services, and similar short-term vehicle care services, as determined by the Code Enforcement Officer.

SECTION 2. Amendment to Chapter 160 [Zoning], Article XIX [C Commercial Districts], Section 119 [Use Regulations], to add Drive-Through Vehicle Care Facility as a use permitted by special exception.

The Code of the Township of Whitpain, Part II [General Legislation], Chapter 160 [Zoning], Article XIX [C Commercial Districts], Section 119 [Use Regulations] is hereby restated and amended to add the underlined language (example) as follows:

A building may be erected, altered or used and a lot or premises may be used or occupied for any of the following purposes and no other:

...

R. The following uses when authorized by special exception:

(11) Drive-through vehicle care facility, subject to the following criteria:

(a) A minimum lot area of 1.5 developable acres shall be required.

- (b) A minimum frontage on an arterial street of 150 feet shall be required.
- (c) Safe vehicle circulation shall be demonstrated as to avoid any stacking on public rights-of-way or common accessways.
- (d) All services shall take place within the building, with the exception of vehicle vacuums operated by the customer-motorist.
- (e) Design of and materials for the building shall be consistent with and complementary to the character and design of the surrounding area and adjacent buildings, particularly considering the historical materials and massings of area building types.
- (f) Rear and side facades shall be of finished quality and shall be of a color that is similar to the front façade and blend with the surrounding development. All buildings shall have a common and coherent architectural theme throughout the development.
- (g) A minimum of 25% of the surface area along a public street must be covered with masonry, masonry veneer, stone or similar material and shall include the use of stucco, siding, and other similar material with complementary colors for the siding and use of contrasting color at window and door trim and exterior fascia.
- (h) All vehicle entrances shall be trimmed and outfitted with doors that complement the design of the building.
- (i) Rooflines shall be varied to add visual interest. Rooflines shall be sloped and shall be no less than a slope of 3:12 and no greater than 6:12.
- (j) For a multi-entrance facility, each vehicle entrance shall have a stacking lane of no fewer than four (4) vehicles. For a single-entrance facility, the stacking lane shall accommodate no fewer than fifteen (15) vehicles. No facility shall

have fewer than fifteen (15) stacking spots.

- (k) For a single-entrance facility where vehicles proceed through multiple payment lanes, the payment lanes shall accommodate stacking of no fewer than four (4) vehicles each. The merge and entrance lane shall accommodate no fewer than four (4) vehicles after proceeding beyond the point of payment.
- (l) There shall be a bypass lane for vehicles unable to proceed into the facility.
- (m) The facility exit shall provide no fewer than two (2) stacking spots after the exit to permit drivers to assess safe maneuvering of the vehicle.
- (n) All vacuum or self-service areas shall provide circulation and shall not be dead-end areas.
- (o) All vacuum or self-service areas shall not be visible from the public right-of-way and shall be screened and buffered from surrounding properties.
- (p) All vacuums, compressors, pumps or similar equipment shall be screened, buffer, and insulated as to reduce noise output. All equipment shall comply with Chapter 83 – Disturbing the Peace.
- (q) Hours of operation shall be limited to 7:00 a.m. to 9:00 p.m.
- (r) Garbage shall be monitored and removed from the property regularly and shall not be a nuisance on the property or to adjacent properties.
- (s) For vehicle washing facilities, a water recycling system shall be employed.
- (t) For vehicle washing facilities, environmentally-friendly soaps and solvents shall be used.
- (u) For all facilities dealing with vehicle fluids, a

storage and disposal plan shall be demonstrated to the satisfaction of the Code Enforcement Officer. Storage shall be above-ground. Proof of proper disposal methods shall be provided to the Code Enforcement Officer upon request within thirty (30) days.

- (v) As an accessory use, a vehicle washing facility shall only be accessory to automotive dealership.

SECTION 3. Amendment to Chapter 160 [Zoning], Article XXXVIII [Community Shopping Center Overlay District], Section 258 [Permitted Uses], to add Drive-Through Vehicle Care Facility as a use permitted by conditional use.

The Code of the Township of Whitpain, Part II [General Legislation], Chapter 160 [Zoning], Article XXXVIII [Community Shopping Center Overlay District], Section 258 [Permitted Uses] is hereby restated and amended to add the underlined language (example) as follows:

A building may be erected, altered or used and a lot or premises may be used or occupied for any of the following purposes and no other:

...

H. The following uses when authorized by conditional use received from the Whitpain Township Board of Supervisors:

...

(3) Drive-through vehicle care facility, subject to the following criteria:

- (a) A minimum lot area of 1.5 developable acres shall be required.
- (b) A minimum frontage on an arterial street of 150 feet shall be required.
- (c) Safe vehicle circulation shall be demonstrated as to avoid any stacking on public rights-of-way or common accessways.
- (d) All services shall take place within the building, with the exception of vehicle vacuums operated by the customer-motorist.

- (e) Design of and materials for the building shall be consistent with and complementary to the character and design of the surrounding area and adjacent buildings, particularly considering the historical materials and massings of area building types.
- (f) Rear and side facades shall be of finished quality and shall be of a color that is similar to the front façade and blend with the surrounding development. All buildings shall have a common and coherent architectural theme throughout the development.
- (g) A minimum of 25% of the surface area along a public street must be covered with masonry, masonry veneer, stone or similar material and shall include the use of stucco, siding, and other similar material with complementary colors for the siding and use of contrasting color at window and door trim and exterior fascia.
- (h) All vehicle entrances shall be trimmed and outfitted with doors that complement the design of the building.
- (i) Rooflines shall be varied to add visual interest. Rooflines shall be sloped and shall be no less than a slope of 3:12 and no greater than 6:12.
- (j) For a multi-entrance facility, each vehicle entrance shall have a stacking lane of no fewer than four (4) vehicles. For a single-entrance facility, the stacking lane shall accommodate no fewer than fifteen (15) vehicles. No facility shall have fewer than fifteen (15) stacking spots.
- (k) For a single-entrance facility where vehicles proceed through multiple payment lanes, the payment lanes shall accommodate stacking of no fewer than four (4) vehicles each. The merge and entrance lane shall accommodate no fewer than four (4) vehicles after proceeding beyond the point of payment.

- (l) There shall be a bypass lane for vehicles unable to proceed into the facility.
- (m) The facility exit shall provide no fewer than two (2) stacking spots after the exit to permit drivers to assess safe maneuvering of the vehicle.
- (n) All vacuum or self-service areas shall provide circulation and shall not be dead-end areas.
- (o) All vacuum or self-service areas shall not be visible from the public right-of-way and shall be screened and buffered from surrounding properties.
- (p) All vacuums, compressors, pumps or similar equipment shall be screened, buffer, and insulated as to reduce noise output. All equipment shall comply with Chapter 83 – Disturbing the Peace.
- (q) Hours of operation shall be limited to 7:00 a.m. to 9:00 p.m.
- (r) Garbage shall be monitored and removed from the property regularly and shall not be a nuisance on the property or to adjacent properties.
- (s) For vehicle washing facilities, a water recycling system shall be employed.
- (t) For vehicle washing facilities, environmentally-friendly soaps and solvents shall be used.
- (u) For all facilities dealing with vehicle fluids, a storage and disposal plan shall be demonstrated to the satisfaction of the Code Enforcement Officer. Storage shall be above-ground. Proof of proper disposal methods shall be provided to the Code Enforcement Officer upon request within thirty (30) days.
- (v) As an accessory use, a vehicle washing facility shall only be accessory to automotive dealership.

- (w) To the extent that any of these conditional use criteria conflict with the other development standards of this Article, the Board of Supervisors shall determine as part of the conditional use approval which criteria shall apply.

SECTION 4. 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 5. 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.

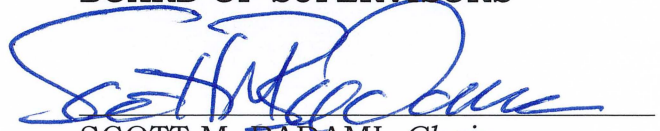
SECTION 6. Effective Date

This Ordinance shall become effective five (5) days after enactment.

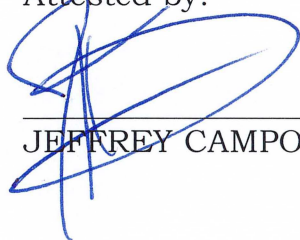
ORDAINED AND ENACTED this 6th day of August 2024, by the Whitpain Township Board of Supervisors.

**WHITPAIN TOWNSHIP
BOARD OF SUPERVISORS**

[Seal]


SCOTT M. BADAMI, *Chair*

Attested by:


JEFFREY CAMPOLONGO, *Secretary*