

WHITPAIN TOWNSHIP

ORDINANCE NO. 4-268

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WHITPAIN AT PART II [GENERAL LEGISLATION], CHAPTER 160 [ZONING], BY AMENDING ARTICLE XXVA [AIRPORT OVERLAY DISTRICT TO PROVIDE FOR NEW REGULATION OF AIRPORTS AND SURROUNDING LAND PURSUANT TO TITLE 74, CHAPTER 59, SUBCHAPTER B OF THE PENNSYLVANIA CONSOLIDATED STATUTES

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.

Eric Traub, Township Manager
_____, 2026

ENACTED: _____

WHITPAIN TOWNSHIP

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WHITPAIN AT PART II [GENERAL LEGISLATION], CHAPTER 160 [ZONING], BY AMENDING ARTICLE XXVA [AIRPORT OVERLAY DISTRICT] TO PROVIDE FOR NEW REGULATION OF AIRPORTS AND SURROUNDING LAND PURSUANT TO TITLE 74, CHAPTER 59, SUBCHAPTER B OF THE PENNSYLVANIA CONSOLIDATED STATUTES

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, Title 74, Chapter 59, Subchapter B of the Pennsylvania Consolidated Statutes requires municipalities having airport hazard areas to “adopt, administer and enforce, under the police power and in the manner and upon the conditions prescribed in this subchapter and in applicable zoning law unless clearly inconsistent with this subchapter, airport zoning regulations for such airport hazard area;”

WHEREAS, The Board of Supervisors of Whitpain Township has established a comprehensive Airport Overlay District as part of its Zoning Map, as amended, in accordance with the provisions of the Second Class Township Code and applicable federal regulations;

WHEREAS, The Second Class Township Code authorizes the Board of Supervisors to make, amend and adopt amendments to the Whitpain Code of Ordinances, 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;

WHEREAS, The Board of Supervisors of Whitpain Township have determined that certain amendments to the Whitpain Township Code of Ordinances, as amended, are required for the orderly administration of the laws of Whitpain Township;

WHEREAS, The Board of Supervisors of Whitpain Township have determined that certain amendments to the Whitpain Township Code of Ordinances, as amended, are required to provide for clarity in the administration of the laws of 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 XXVA [Airport Overlay District], to adopt required rules regulating airports within the Township's bounds.

The Code of the Township of Whitpain, Part II [General Legislation], Chapter 160 [Zoning], Article XXVA [Airport Overlay District], is hereby restated and amended to delete the struck-through language (~~example~~) and add the underlined language (example) as follows:

§160-182.2 Legislative Intent

In expansion of the statement contained in Article III (Community Development Objectives), § 160-8 (Statement of community development objectives), of this chapter, and pursuant to the Whitpain Township Comprehensive Plan, ~~Update 2006~~as amended, it is hereby declared to be the intent of this article with respect to the Airport Overlay District to allow for and to regulate the development and operation of a public-use, general aviation airport and associated facilities~~—, as well as to regulate and restrict the heights of constructed structures and objects of natural growth, create appropriate zones, establish the boundaries thereof and provide for changes in the restrictions and boundaries of such zones, create the permitting process for use within said zones and provide for enforcement, assessment of violation penalties, an appeal process, and judicial review.~~ Specifically, it is the intent of this article to:

- A. Provide safe, state-of-the art facilities for pilots, general aviation aircraft, passengers, and the businesses that support them.
- B. Protect the quality of life of the community in consideration of the airport's immediate proximity to residential areas as well as concerns expressed by residents of the Township in neighborhoods adjacent to the airport about quality of life, noise and environmental issues.
- C. Support regional transportation systems.
- D. Provide support for emergency medical air transportation services for the greater Philadelphia area.
- E. Preserve the land that surrounds the airport in its natural state, to provide for agricultural use and habitat for wildlife and natural and indigenous vegetation harmoniously with airport operations.
- F. Retain and enhance, to the greatest extent possible, desirable characteristics, such as mature trees, historic structures and open space.
- G. Provide aviation related educational opportunities.

H. Stimulate self-sustaining economic development and growth within the Township and region.

§ 160-181.3 Airport Development Plan; conflict with provisions of underlying district.

All development under the Airport Overlay District regulations shall be in accordance with an Airport Development Plan and governed by the regulations, requirements, and restrictions set forth in this article. Where provisions of this article and the provisions of the underlying zoning district conflict, the provisions of this article shall apply.

§ 160-181.4 Use regulations.

Notwithstanding any other provisions of this Ordinance, no use shall be made of land or water within the Airport District Overlay in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the Airport.

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

A. Airport, including the following, specifically related to such airport: runway and taxiways, aprons, helipads, hangars, tie downs, aircraft transient parking, aircraft repair and maintenance facilities, equipment storage, terminal buildings, airport management offices, aircraft management offices, aircraft sales and leasing offices, aircraft charter services, aviation related insurance sales, aviation education facilities, aircraft maintenance training facilities, aviation fuel storage and sales, aviation control facilities, navigational aids, weather station, aviation communication facilities, runway and taxiway identification lights, (not including airport approach lighting systems), and rotating beacons.

B. Accessory uses customarily incidental to the foregoing airport use, including:

- (1) Aviation-related sales not to exceed 500 square feet of building area.
- (2) Food vending machines.
- (3) Car rental located within the terminal building.
- (4) Signs, erected and maintained in accordance with Article XXIII of this chapter, not specifically superseded by the special regulations set forth in § 160-181.7C of the Zoning Code and the table contained therein.

(5) Parking.

(6) Emergency air medical transportation (EMT) services, including ground support, ground crew and crew quarters.

(7) The following accessory uses may be permitted by conditional use in the Airport Overlay District, subject to the requirements contained in this section and the procedures set forth in § 160-235:

(a) Restaurant, excluding a drive-through window, not to exceed 1,200 square feet of patron seating area with daily hours of operation between 6:00 a.m. to 4:00 p.m.

(b) Education center/transportation museum, not to exceed a total building area of 50,000 square feet.

C. Farm.

D. Private aviation club not to exceed 10,000 square feet of building area with one accessory swimming pool and one accessory tennis court. The aviation club shall be a private membership facility providing dining, beverage service, food preparation space, meeting space, club staff office, restrooms, and storage.

E. The following uses may be permitted by conditional use in the Airport Overlay District, subject to the requirements contained in this section and the procedures set forth in § 160-235:

(1) Cluster housing in accordance with the provisions of §§ 160-181.8 and 160-66.

§ 160-181.5 Airport land area, building coverage, green area and setback requirements; airport operations area.

A. Land area. The airport land area as defined in the Township Code of not less than 200 contiguous acres shall be provided for any property proposed to be developed in accordance with the terms and conditions of the Airport Overlay District.

B. Hangar coverage. The total maximum building coverage allocated to hangar space shall not exceed 2.0% of the airport land area.

C. Preserved land. A minimum of 60% of the airport land area shall be retained as green area and considered preserved land and specified as such on the Airport Development Plan required by § 160-181.3. Uses such as a farm, stormwater management facilities, unpaved access driveways and trails (pervious and impervious), fences, permitted signage, runway

and taxiway identification lights, and unpaved airport operation safety and operations areas/facilities (i.e., AWOS area, runway safety area, runway obstruction free zone) only shall be permitted within the Preserved land and counted as green area.

D. Maximum impervious cover. The maximum impervious cover within the airport land area shall be no more 20%. The maximum impervious cover within the airport operations area shall be no more than 75%.

E. Building setbacks. No building shall be erected or parking installed within 75 feet of the tract boundary or the ultimate roadway right-of-way. When directly abutting and contiguous with a residential use or district, the tract setback shall be increased to 150 feet, except that such increased setback shall not apply where the building abuts a public or private street. Individual buildings shall be located no closer than 30 feet to other buildings.

F. Airport operations area. The airport operations area shall be clearly delineated by metes and bounds on the Airport Development Plan. A copy of the Airport Development Plan, showing the location of proposed areas of uses as permitted by right or as conditional uses together with, inter alia, the delineation of the airport operations area, is attached hereto as Exhibit "A" and incorporated herein by reference. Upon adoption of the Airport Overlay District Ordinance, the Airport Development Plan may thereafter only be amended by a subsequent ordinance.

§ 160-181.6 Height regulations.

The maximum height of any building erected shall not exceed 40 feet as defined under § 160-7B, excluding any structures where the height of such structure is required by state or federal regulations.

§ 160-181.7 Special regulations.

A. Any airport in the Airport Overlay District shall not make application for, obtain or maintain an airport operating certificate from the federal government in accordance with Title 14 of the Code of Federal Regulations, Part 139, as amended.

B. Any airport in the Airport Overlay District shall be limited to one runway with a length no greater than 3,800 linear feet.

C. Sign regulations. In the Airport Overlay District, the following signs may be erected and maintained:

(1) A single, existing, nonconforming, freestanding-type ground sign of 128 square feet located at the 6-points intersection (Narcissa Road/Stenton Avenue/Norristown Road) and one at the main access drive to the airport. The sign at the main drive may be

double-faced, with each face not to exceed 50 square feet. The height of the sign shall not exceed 10 feet.

(2) One building identification sign per building. If such building identification sign is facing a public street, it shall be located a minimum distance of 150 feet from the public street.

(3) Internal, site directory signs not to exceed 36 square feet.

(4) Any signs required by state and/or federal regulations shall be exempted from the provisions of this article.

§ 160-181.8 Special regulations for cluster housing

One area of the airport land area may be developed for cluster housing in accordance with the provisions of § 160-66, except as follows:

A. Maximum tract area allowed for cluster housing: 10 acres.

B. Maximum gross density: one unit per two acres of allocated land.

C. Access to public street: All units shall share one means of vehicular access to an existing public street.

§ 160-181.9 Definitions.

The following words and phrases, when used in this ordinance, shall have the meaning given to them in this section unless the context clearly indicates otherwise.

Airport: The property within Blue Bell, Pennsylvania, identified as “Wings Field,” identified as Tax Parcel Numbers 66-00-04573-00-5, 66-00-04568-00-1, and 66-00-04570-00-8.

Airport Elevation: The highest point of an airport’s useable landing area measured in feet above sea level. The Airport Elevation of the Airport is 302 feet – mean sea level.

Airport Hazard: Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined in 14 CFR Part 77 and 74 Pa. Cons. Stat. §5102.

Airport Hazard Area: Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Ordinance and the Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

Approach Surface (Zone): An imaginary surface longitudinally centered on the extended runway centerline and extending outward and upward

from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach. The approach surface zone, as shown on Figure 1, is derived from the approach surface.

Conical Surface (Zone): An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet horizontally to one (1) foot vertically for a horizontal distance of 4,000 feet. The conical surface zone, as shown on Figure 1, is based on the conical surface.

Department: Pennsylvania Department of Transportation.

FAA: Federal Aviation Administration of the United States Department of Transportation.

Horizontal Surface (Zone): An imaginary plane 150 feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone, as shown on Figure 1, is derived from the horizontal surface.

Larger Than Utility Runway: A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

Nonconforming Use: Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.

Non-Precision Instrument Runway: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

Obstruction: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by this Ordinance.

Precision Instrument Runway: A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

Primary Surface (Zone): An imaginary surface longitudinally centered on the runway, extending 200 feet beyond the end of paved runways or ending at each end of turf runways. The elevation of any point on the primary

surface is the same as the elevation of the nearest point on the runway centerline. The primary surface zone, as shown on Figure 1, is derived from the primary surface.

Runway: A defined area of an airport prepared for landing and takeoff of aircraft along its length.

Structure: An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

Transitional Surface (Zone): An imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at a slope of seven (7) feet horizontally to one (1) foot vertically (7:1). The transitional surface zone, as shown on Figure 1, is derived from the transitional surface.

Tree: Any object of natural growth.

Utility Runway: A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures.

§ 160-181.10 Permit Applications.

As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(a) (as amended or replaced), any person who plans to erect a new structure, to add to an existing structure, or to erect and maintain any object (natural or manmade), in the vicinity of the airport, shall first notify the Department's Bureau of Aviation (BOA) by submitting PENNDOT Form AV-57 to obtain an obstruction review of the proposal at least 30 days prior to commencement thereof. The Department's BOA response must be included with this permit application for it to be considered complete. If the Department's BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this Overlay Ordinance. If the Department's BOA returns a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance from such regulations as outlined in Section §160-181.11.

No permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

§ 160-181.11 Variances.

Any request for a variance shall include documentation in compliance with 14 Code of Federal Regulations Part 77 Subpart B (FAA Form 7460-1 as amended or replaced). Determinations of whether to grant a variance will depend on the determinations made by the FAA and the Department's BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in:

1. No Objection - The subject construction is determined not exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a variance shall be granted.

2. Conditional Determination - The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures as described in Section §160-181.13 - Obstruction Marking and Lighting.

3. Objectionable - The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant.

Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this ordinance.

§ 160-181.12 Pre-Existing Non-Conforming Uses.

The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a non-conforming use. No non-conforming use shall be structurally altered or permitted to grow higher, so as to increase the non-conformity, and a non-conforming use, once substantially abated or abandoned (subject to the underlying zoning ordinance,) may only be reestablished consistent with the provisions herein.

§ 160-181.13 Obstruction Marking and Lighting.

Any permit or variance granted pursuant to the provisions of this ordinance may be conditioned according to the process described in Section 6 to require the owner of the structure or object of natural growth in question to permit the municipality, at its own expense, or require the person requesting the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.

§ 160-181.14 Conflicting Regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulation applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

SECTION 2. **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 3. **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 4. **Effective Date.**

This Ordinance shall become effective immediately upon execution.

ORDAINED AND ENACTED this _____ day of _____ 2026, by the Whitpain Township Board of Supervisors.

**WHITPAIN TOWNSHIP
BOARD OF SUPERVISORS**

SCOTT M. BADAMI, *Chair*

[Seal]

Attested by:

JEFFREY CAMPOLONGO, *Secretary*

