

# ENACTED

**BOARD OF SUPERVISORS  
WHITPAIN TOWNSHIP**

**MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 4-239**

**"Airport Overlay District"**

**AN ORDINANCE AMENDING THE WHITPAIN TOWNSHIP ZONING MAP TO CREATE THE "AIRPORT OVERLAY DISTRICT" TO DESIGNATE THE APPROPRIATE AIRPORT AREA IN WHITPAIN TOWNSHIP; AND AMENDING THE CODE OF THE TOWNSHIP OF WHITPAIN, PART II (GENERAL LEGISLATION), CHAPTER 160 (ZONING) TO ADD A NEW ARTICLE XXVA ENTITLED "AIRPORT OVERLAY DISTRICT" TO ESTABLISH REGULATIONS FOR AIRPORT FACILITIES IN THE TOWNSHIP, INCLUDING: LEGISLATIVE INTENT; CREATION OF OVERLAY DISTRICT; USE REGULATIONS; AND SPECIAL REGULATIONS RELATED TO OPERATING CERTIFICATES, RUNWAYS, SIGNS AND RESIDENTIAL HOUSING; AND FURTHER AMENDING CHAPTER 160 (ZONING), ARTICLE II (DEFINITIONS), SECTION 160-7 (WORD USAGE AND DEFINITIONS) TO ADD NEW TERMS WHICH APPLY TO THE "AIRPORT OVERLAY DISTRICT"; AND AMENDING THE WHITPAIN TOWNSHIP ZONING MAP TO IDENTIFY THE "AIRPORT OVERLAY DISTRICT" AND INCLUDE THE FOLLOWING PARCEL NUMBERS: 66-00-04573-00-5, 66-00-04570-00-8, 66-00-06159-00-3 and 66-00-04568-00-1, WITHIN SUCH OVERLAY DISTRICT.**

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The Board of Supervisors of Whitpain Township does hereby **ENACT** and **ORDAIN**:

**SECTION I. - Zoning Map Amendment**

The Whitpain Township Zoning Map is hereby amended to identify the Airport Overlay District as an overlay district in addition to the underlying zoning district on those properties depicted on the plan attached hereto as Exhibit "A".

**SECTION II. - Amendment to Code**

The Code of Whitpain Township, Part II (General Legislation), Chapter 160 (Zoning) is hereby amended to add the following new definitions to Chapter 160 (Zoning), Article II (Definitions), Section 160-7 (Word Usage and Definitions):

Airport Land Area – the total gross area of one or more contiguous parcels of land held in single and separate ownership and located within the Airport Overlay District and used or developed for an airport and any of the other purposes permitted within the Airport Overlay District.

Airport Operations Area – The area specifically designated within an Airport Overlay District where all uses permitted under Section 160-181.3 shall be located. Except, however, the following uses may also be located within the Airport Land Area: runway, taxiways, aviation control facilities, navigational aids, weather stations, aviation communication facilities, runway and taxiway identification lights, farm, and cluster housing.

Preserved Land – An area of land within an Airport Overlay District as defined by metes and bounds on the Airport Development Plan (Exhibit “A”) which shall be open space and undeveloped except as specifically permitted under Section 160-181.4.C. The area shall remain as Preserved Land until such time as airport operations cease, at which point the land shall be subject to development in accordance with the underlying zoning district.

**SECTION III. - Amendment to Code**

The Code of Whitpain Township, Part II (General Legislation), Chapter 160 (Zoning) is hereby amended to add the following new Article XXVA (Airport Overlay District):

**Article XXVA: Airport Overlay District**

**Section 160-181.1 Declaration of Legislative Intent**

In expansion of the statement contained in Article III (Community Development Objectives), Section 160-8 (Statement of Community Development Objectives), of this Chapter, and pursuant to the Whitpain Township Comprehensive Plan Update 2006, 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. 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.

### **Section 160-181.2 Airport Development Plan**

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.

### **Section 160-181.3 Use Regulations**

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 beacon.

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 Section 160-181.6(C) 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 Section 160-235:
  - (a) Restaurant, excluding a drive thru window, not to exceed 1,200 square feet of patron seating area with daily hours of operation between 6:00 AM to 4:00 PM.
  - (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 Section 160-235:

- (1) Cluster Housing in accordance with the provisions of Section 160-181.7 and Section 160-66.

**Section 160-181.4 Airport Land Area, Building Coverage, Green Area and Setback Requirements.**

- A. Land Area. The airport land area as defined in the Township Code of not less than two hundred (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 sixty (60%) percent 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 Section 160-181.2. 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 than twenty (20%) percent. The maximum impervious cover within the Airport Operations Area shall be no more than seventy-five (75%) percent.
- E. Building setbacks. No building shall be erected or parking installed within seventy-five (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 one hundred fifty (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 thirty (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.

### **Section 160-181.5 Height Regulations**

The maximum height of any building erected shall not exceed forty (40) feet as defined under §160-5B, excluding any structures where the height of such structure is required by state or federal regulations.

### **Section 160-181.6 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 Regulation 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.

### **Section 160-181.7 Special Regulations for Cluster Housing**

One area of the Airport Land Area may be developed for Cluster Housing in accordance with the provisions of Section 160-66, except as follows:

- A. Maximum tract area allowed for cluster housing: 10 acres.
- B. Maximum gross density: 1 unit per 2 acres of allocated land.
- C. Access to Public Street: All units shall share one means of vehicular access to an existing public street.

**SECTION IV. - Severability**

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**SECTION V. - Failure to Enforce not a Waiver**

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

**SECTION VI. - Effective Date**

This Ordinance shall take effect and be in force from and after its approval as required by the law.

**SECTION VII. - Repealer**

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

**ORDAINED AND ENACTED** by the Board of Supervisors of Whitpain Township,  
Montgomery County, Pennsylvania, this 3rd day of May, 2016.

**WHITPAIN TOWNSHIP  
BOARD OF SUPERVISORS**

By: \_\_\_\_\_

**Adam D. Zucker**  
Chairman

Attest: \_\_\_\_\_

**Anthony F. Greco**  
Secretary

**CERTIFICATION**

I, ROMAN M. PRONCZAK, BEING DULY SWORN  
ACCORDING TO LAW, DEPOSE AND SAY THAT I AM  
THE TOWNSHIP MANAGER OF WHITPAIN TOWNSHIP  
IN MONTGOMERY COUNTY, PA AND THAT  
ATTACHED HERETO IS A TRUE AND COMPLETE  
CORRECT COPY OF ORDINANCE #4-239



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Roman M. Pronczak, P.E., Township Manager  
May 3, 2016

**EXHIBIT "A"**

