ENACTED

BOARD OF SUPERVISORS
WHITPAIN TOWNSHIP

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 4-240

"Residential District Accessory Buildings and Structure Height and Setback, and Miscellaneous Sign Ordinance"

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WHITPAIN, CHAPTER 160 (ZONING), ARTICLE II (DEFINITIONS), SECTION 160-7 (WORD USAGE AND DEFINITIONS), TO AMEND THE DEFINITION OF THE TERM "ACCESSORY BUILDING"; AMENDING THE CODE OF THE TOWNSHIP OF WHITPAIN, CHAPTER 160 (ZONING) TO AMEND THE HEIGHT AND SETBACK REQUIREMENTS FOR ACCESSORY BUILDINGS OR STRUCTURES IN THE R-1 RESIDENCE DISTRICTS, R-2 RESIDENCE DISTRICTS, R-3 MULTIFAMILY DISTRICTS, R-3A LOW-INTENSITY MULTIFAMILY DISTRICTS, R-3B LOW-INTENSITY MULTIFAMILY DISTRICTS, R-4 VILLAGE PRESERVATION DISTRICTS, R-5 AGRICULTURAL/RURAL RESIDENCE DISTRICTS, R-6 AGRICULTURAL/RURAL RESIDENCE DISTRICTS, R-7 RESIDENTIAL DISTRICTS, AND R-8 RESIDENTIAL DISTRICTS; AMENDING THE CODE OF THE TOWNSHIP OF WHITPAIN, CHAPTER 160 (ZONING), ARTICLE XXVI (SIGNS), SECTION 160-184 (ILLUMINATION) TO REMOVE THE DEFINITION OF "FLASHING SIGN"; AMENDING THE CODE OF THE TOWNSHIP OF WHITPAIN, CHAPTER 160 (ZONING), ARTICLE XXVI (SIGNS), SECTION 160-191 (SCHEDULE OF SIGN REGULATIONS) TO PROHIBIT THE USE OF FLASHING SIGNS AS SITE DIRECTORY SIGNS, AND TO REMOVE REGULATIONS PERTAINING TO EIGHT FOOT REAL ESTATE RENT OR LEASE SIGNS; AND FURTHER AMENDING THE CODE OF THE TOWNSHIP OF WHITPAIN, CHAPTER 160 (ZONING), ARTICLE XXVI (SIGNS), SECTION 160-191 (SCHEDULE OF SIGN REGULATIONS) TO REMOVE REFERENCES TO FLASHING SIGNS IN FOOTNOTE NUMBER 3 TO SUBSECTIONS B, C, D, E, AND F.

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

SECTION I. – <u>Amendment to Code</u>

The Code of the Township of Whitpain, Chapter 160 (Zoning), Article II (Definitions), Section 160-7 (Word usage and definitions), Subsection "B" is hereby amended by repealing the definition of the term "Accessory Building" in its entirety and replacing it with the following new definition for the term "Accessory Building":

> **ACCESSORY BUILDING**
>
> A building subordinate to the principal building on the lot and used for purposes customarily incidental to those of the principal building, including but not limited to the following: stables, swimming pools, bathhouses, toolsheds, and detached garages.

SECTION II. - <u>Amendment to Code</u>

The Code of the Township of Whitpain, Chapter 160 (Zoning), Article V (R-1 Residence Districts) is hereby amended to repeal Section 160-21 (Accessory Buildings or Structures) in its entirety and replace it with the following new Section 160-21:

> **§ 160-21 – Accessory Buildings or Structures**
>
> An accessory building or structure having a maximum height of 10 feet, but not exceeding 15 feet measured from grade to the highest point of such building or structure may be erected in the rear yard only, but no closer to the side or rear line of the lot than 10 feet. The height of the accessory building or structure, and the maximum dimension from grade to the highest point may be increased an additional one foot for each additional two feet of required setback from both the side and rear lines of the lot, to a maximum height of 16 feet, but not to exceed 25 feet measured from grade to the highest point of the building or structure. All measurement from grade to the highest point of the building or structure shall include any chimneys, spires, towers, elevator penthouses, tanks and similar projections.

SECTION III. – <u>Amendment to Code</u>

The Code of the Township of Whitpain, Chapter 160 (Zoning), Article VII (R-2 Residence Districts) is hereby amended to repeal Section 160-38 (Accessory Buildings or Structures) in its entirety and replace it with the following new Section 160-38:

> **§ 160-38 – Accessory Buildings or Structures**
>
> An accessory building or structure having a maximum height of 10 feet, but not exceeding 15 feet measured from grade to the highest point of such building or structure may be erected in the rear yard only, but no closer to the side or rear line of the lot than 5 feet. The height of the accessory building or structure and the maximum dimension from grade to the highest point may be increased an additional one foot for each additional two feet of required setback from both the side and rear lines of the lot, to a maximum height of 16 feet, but not to exceed 25 feet measured from grade to the highest point of the building or structure. All measurements from grade to the highest point of the building or structure shall include any chimneys, spires, towers, elevator penthouses, tanks and similar projections.

SECTION IV. – <u>Amendment to Code</u>

The Code of the Township of Whitpain, Chapter 160 (Zoning), Article VIII (R-3 Multifamily Districts), Section 160-42 (Development Requirements), Subsection "H" is hereby repealed in its entirety and replaced with the following new Subsection "H":

> H. Accessory buildings or structures.
>
> (1) Where individual lots have been created, accessory buildings, structures or uses having a maximum height of 10 feet, but not exceeding 15 feet measured from grade to the highest point of such building or structure may be located within the rear yard only, but no closer to the side or rear line of the lot than 5 feet. The height of the accessory building or structure and the maximum dimension from grade to the highest point may be increased an additional one foot for each additional two feet of required setback from both the side and rear lines of the lot, to a maximum building or structure height of 16 feet, but not to exceed 25 feet measured from grade to the highest point of the building or structure. All measurements from grade to the highest point of the building or structure shall include any chimneys, spires, towers, elevator penthouses, tanks and similar projections. The provisions of this section shall not apply to community cable television antennas.

(2) Where individual lots have not been created, only those accessory buildings, structures or uses as specifically shown on the land development plans for the development may be constructed or installed, and an accessory building, structure or use not specifically shown on the land development plans for the development shall not thereafter be permitted.

SECTION V. – <u>Amendment to Code</u>

The Code of the Township of Whitpain, Chapter 160 (Zoning), Article IX (R-3A Low-Intensity Multifamily Districts), Section 160-45 (Use and area regulation), Subsection "H" is hereby repealed in its entirety and replaced with the following new Subsection "H":

H. Accessory buildings or structures.

(1) No accessory buildings, structures or uses may be located within areas between the front of a dwelling unit and street lines, within any perimeter setbacks, or within two-family and townhouse lots. All permitted accessory structures shall be shown on the land development plans for the development. An accessory building, structure or use not shown on the land development plans for the development shall not thereafter be permitted.

(2) Except for one cable television antenna, no accessory buildings, structures or uses may exceed 16 feet in height.

(3) For single-family dwellings, an accessory building or structure having a maximum height of 10 feet, but not exceeding 15 feet measured from grade to the highest point of such building or structure may be erected in the rear yard only, but no closer to the side or rear line of the lot than 10 feet. The height of the accessory building or structure and the maximum dimension from grade to the highest point may be increased an additional one foot for each additional two feet of required setback from both the side and rear lines of the lot, to a maximum accessory building or structure height of 16 feet, but no to exceed 25 feet measured from grade to the highest point of the building or structure. All measurement from grade to the highest point of the building or structure shall include any chimneys, spires, towers, elevator penthouses, tanks and similar projections.

SECTION VI. – <u>Amendment to Code</u>

The Code of the Township of Whitpain, Chapter 160 (Zoning), Article X (R-3B Low-Intensity Multifamily Districts), Section 160-49 (Development requirements), Subsection "F" is hereby repealed in its entirety and replaced with the following new Subsection "F":

F. Accessory buildings or structures.

(1) No accessory buildings, structures or uses, except parking, may be located within areas between the front of a dwelling unit and street lines, within any perimeter setbacks, or within two-family and townhouse lots. All permitted accessory buildings or structures, except for those in connection with single-family detached dwellings provided for in Subsection (3) below, shall be shown on the land development plans for the development. An accessory building, structure or use not shown on the land development plans for the development shall not thereafter be permitted.

(2) Except for one cable television antenna, no accessory buildings, structures or uses may exceed 16 feet in height.

(3) For single-family detached dwellings, an accessory building or structure having a maximum height of 10 feet, but not exceeding 15 feet measured from grade to the highest point of such building or structure may be erected in the rear yard only, but no closer to the side or rear line of the lot than 10 feet, except parking. The height of the accessory building or structure and the maximum dimension from grade to the highest point may be increased an additional one foot for each additional two feet of required setback from both the side and rear lines of the lot, to a maximum accessory building or structure height of 16 feet, but not to exceed 25 feet measured from grade to the highest point of the building or structure. All measurement from grade to the highest point of the building or structure shall include any chimneys, spires, towers, elevator penthouses, tanks and similar projections.

SECTION VII. – <u>Amendment to Code</u>

The Code of the Township of Whitpain, Chapter 160 (Zoning), Article XI (R-4 Village Preservation District), Section 160-55 (Use regulations), Subsection "F" is hereby repealed in its entirety and replaced with the following new Subsection "F":

F. Accessory buildings or structures.

(1) Where individual lots have been created, accessory buildings, structures or uses having a maximum height of 10 feet, but not exceeding 15 feet measured from grade to the highest point of such building or structure may be located within the rear yard only, but no closer to the side or rear line of the lot than 5 feet, except as provided for in §160-56.C. The height of the accessory building or structure and the maximum dimension from grade to the highest point may be increased an additional one foot for each additional two feet of required setback from the rear line of the lot, to a maximum accessory building or structure height of 16 feet, but not to exceed 25 feet measured from grade to the highest point of the building or structure. All measurement from grade to the highest point of the building or structure shall include any chimneys, spires, towers, elevator penthouses, tanks and similar projections.

SECTION VIII. – <u>Amendment to Code</u>

The Code of the Township of Whitpain, Chapter 160 (Zoning), Article XII (R-5 Agricultural/Rural Residence District) is hereby amended to repeal Section 160-62 (Accessory Structures) in its entirety and replace it with the following new Section 160-62:

§ 160-62 – Accessory structures

An accessory building or structure having a maximum height of 10 feet, but not exceeding 15 feet measured from grade to the highest point of such building or structure may be erected in the rear yard only, but no closer to the side or rear line of the lot than 10 feet. The height of the accessory building or structure and the maximum dimension from grade to the highest point may be increased an additional one foot for each additional two feet of required setback from both the side and rear lines of the lot, to a maximum accessory building or structure height of 16 feet, but not to exceed 25 feet measured from grade to the highest point of the building or structure. All measurement from grade to the highest point of the building or structure shall include any chimneys, spires, towers, elevator penthouses, tanks and similar projections.

SECTION IX. – <u>Amendment to Code</u>

The Code of the Township of Whitpain, Chapter 160 (Zoning), Article XIII (R-6 Agricultural/Rural Residence District) is hereby amended to repeal Section 160-71 (Accessory buildings or structures) in its entirety and replace it with the following new Section 160-71:

§ 160-71 – Accessory buildings or structures

An accessory building or structure having a maximum height of 10 feet, but not exceeding 15 feet measured from grade to the highest point of such building or structure may be erected in the rear yard only, but no closer to the side or rear line of the lot than 10 feet. The height of the accessory building or structure and the maximum dimension from grade to the highest point may be increased an additional one foot for each additional two feet of required setback from both the side and rear lines of the lot, to a maximum accessory building or structure height of 16 feet, but not to exceed 25 feet measured from grade to the highest point of the building or structure. All measurement from grade to the highest point of the building or structure shall include any chimneys, spires, towers, elevator penthouses, tanks and similar projections.

SECTION X. – <u>Amendment to Code</u>

The Code of the Township of Whitpain, Chapter 160 (Zoning), Article XIV (R-7 Residential District), Section 160-83 (Development regulations for single-family detached dwellings), Subsection "C" is hereby repealed in its entirety and replaced with the following new Subsection "C":

C. Accessory Uses

(1) An accessory building or structure having a maximum height of 10 feet, but not exceeding 15 feet measured from grade to the highest point of such building or structure may be erected in the rear yard only, but no closer to the side or rear line of the lot than 5 feet. The height of the accessory building or structure and the maximum dimension from grade to the highest point may be increased an additional one foot for each additional two feet of required setback from both the side and rear lines of the lot, to a maximum accessory building or structure height of 16 feet, but not to exceed 25 feet measured from grade to the highest point of the building or structure. All measurement from grade to the highest point of the building or structure shall include any chimneys, spires, towers, elevator penthouses, tanks and similar projections.

(2) Accessory structures are limited to 20% of the area of the rear yard.

SECTION XI. – Amendment to Code

The Code of the Township of Whitpain, Chapter 160 (Zoning), Article XV (R-8 Residential District), Section 160-91 (Development requirements), Subsection "F" is hereby repealed in its entirety and replaced with the following new Subsection "F"

F. Accessory uses.

(1) Where individual lots have been created, except for single-family detached dwellings, which shall be governed by the provisions of §160-21, accessory buildings, structures or uses having a maximum height of 10 feet, but not exceeding 15 feet measured from grade to the highest point of such building or structure may be located within the rear yard only, but no closer to the side or rear line of the lot than 5 feet. The height of the accessory building or structure and the maximum dimension from grade to the highest point may be increased an additional one foot for each additional two feet of required setback from both the side and rear lines of the lot, to a maximum accessory building or structure height of 16 feet, but not to exceed 25 feet measured from grade to the highest point of the building or structure. All measurement from grade to the highest point of the building or structure shall include any chimneys, spires, towers, elevator penthouses, tanks and similar projections. The provisions of this section shall not apply to community cable television antennas.

(2) Where individual lots have not been created, only those accessory buildings, structures or uses as specifically shown on the land development plans for the development may be constructed or installed, and an accessory building, structure or use not specifically shown on the land development plans for the development shall not thereafter be permitted.

SECTION XII. – Amendment to Code

The Code of the Township of Whitpain, Chapter 160 (Zoning), XXVI (Signs), Section 160-184 (Illumination), Subsection "C" is hereby repealed in its entirety and marked as [Reserved].

SECTION XIII. – Amendment to Code

The Code of the Township of Whitpain, Chapter 160 (Zoning), XXVI (Signs), Section 160-191 (Schedule of Sign Regulations), Subsection "F" is hereby amended in pertinent part to read as follows:

Permitted Signs	Types of Signs Allowed	Sign Area (square feet)	Number of Signs	Illumination
*Site directory sign (multibuilding site; three or more buildings per lot+	A	12	1 per curb cut	D

SECTION XIV. – Amendment to Code

The Code of the Township of Whitpain, Chapter 160 (Zoning), XXVI (Signs), Section 160-191 (Schedule of Sign Regulations), Subsection "F" is hereby amended to repeal the following provision:

Permitted Signs	Types of Signs Allowed	Sign Area (square feet)	Number of Signs	Illumination
Real Estate rent or lease	A	8	1 per street	D

SECTION XV. – Amendment to Code

The Code of the Township of Whitpain, Chapter 160 (Zoning), XXVI (Signs), Section 160-191 (Schedule of Sign Regulations) is hereby amended to have Footnote No. 3 in Subsections "B", "C", "D", "E" and "F" read as follows:

Per §160-184:

A. Internal

B. External

C. [Reserved]

D. Nonilluminated

SECTION XVI. - 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 XVII. - 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 XVIII. - Effective Date

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

SECTION XIX. - 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 18th day of August, 2015.

WHITPAIN TOWNSHIP
BOARD OF SUPERVISORS

By: _____
Frederick R. Conner, Jr., 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 #4-240.

_____
Roman M. Pronczak, P.E., Township Manager
Aug. 19, 2015