

WHITPAIN TOWNSHIP

ORDINANCE #4-256

AN ORDINANCE AMENDING ARTICLE XXV, SECTION 160-176 [FP FLOODPLAIN CONSERVATION DISTRICT/APPLICATION FOR SPECIAL EXCEPTION OR VARIANCE] OF THE TOWNSHIP'S ZONING CODE TO REQUIRE THAT DESIGN PLANS AND ALL ASSOCIATED CALCULATIONS AND REPORTS BE SUBMITTED TO THE TOWNSHIP ENGINEER FOR REVIEW PRIOR TO SUBMISSION OF ANY APPLICATION FOR A SPECIAL EXCEPTION OR VARIANCE IN THE FEMA FLOODWAY.

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 #4-256

Roman M. Pronczak, P.E., Township Manager
_____, 2019

ENACTED: _____

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IT IS HEREBY ENACTED AND ORDAINED by the Whitpain Township Board of Supervisors that the Township's Ordinance shall be amended as follows:

SECTION 1. Amendment to Article XXV, Section 160-176 [FP Floodplain Conservation District/Application for Special Exception or Variance].

Article XXV, Section 160-176 [FP Floodplain Conservation District/Application for Special Exception or Variance] is amended to require that design plans and associated calculations and reports shall be submitted to the Township Engineer for review prior to any application for a Special Exception or Variance. This section, as amended, shall read as follows:

Section 160-176. Application for special exception or variance.

- A. For a use other than those permitted in § 160-171, an application seeking approval by special exception or variance shall be forwarded to the Zoning Hearing Board along with required studies or information and the findings of the Zoning Officer.
- B. Applicant shall submit design plans and all associated calculations and reports to the Township Engineer for review prior to filing an application for a special exception or variance under this Article for any area identified as Floodway on the FIRM.
- C. The application for special exception or use by variance shall be accompanied by the following:
 - (1) Detailed engineering studies indicating the effects

on drainage and streams on all adjacent properties as well as the property in question.

- (2) An application for amending the boundaries of the Floodplain Conservation District if the boundaries will be affected by the proposed special exception or use by variance.
- (3) A copy of the Township Engineer's review letter regarding design plans and associated calculations and reports submitted for review, if required by subsection B, above.

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 effect, and for this reason the provisions of this Ordinance shall be severable.

SECTION 4. **Effective Date**

This Ordinance shall become effective 5 days after enactment.

ORDAINED AND ENACTED this _____ day of _____ 2019, by the
Whitpain Township Board of Supervisors.

**WHITPAIN TOWNSHIP
BOARD OF SUPERVISORS**

FREDERICK R. CONNER JR, *Chair*

[Seal]

Attested by:

ANTHONY F. GRECO
Secretary

DRAFT