MONTGOMERY COUNTY
BOARD OF COMMISSIONERS

NEIL K. MAKHIJA, CHAIR
JAMILA H. WINDER, VICE CHAIR
THOMAS DIBELLO, COMMISSIONER

WWW.MONTGOMERYCOUNTYPA.GOV

MONTGOMERY COUNTY
PLANNING COMMISSION

MONTGOMERY COUNTY • PO BOX 311
NORRISTOWN, PA 19404-0311

610-278-3722
PLANNING@MONTGOMERYCOUNTYPA.GOV

SCOTT FRANCE, AICP
EXECUTIVE DIRECTOR

April 17, 2025

Mr. Geoffrey Grace, Director of Planning and Zoning
Upper Providence Township
P.O. Box 406
Oaks, Pennsylvania 19456

RE: MCPC #25-0066-001
Plan Name: Agritainment – 592 S. Mennonite Road
One 12.05 acres parcel
Situate: 592 Mennonite Road, PA, 19460
Upper Providence Township

Dear Mr. Grace:

We have reviewed the above-referenced zoning ordinance text revisions in accordance with Section 609 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on March 20, 2025. We forward this letter as a report of our review of the zoning ordinance text revision, pending approval of the text amendment by the Zoning Hearing Board MCPC will review the conditional use request and the tentative land development plan.

BACKGROUND

The applicant, HTC Associates, LLC, has requested a review of the following proposed Zoning Ordinance Amendment for the R-1 Residential-Agricultural District, Section 300-171 *Permitted Uses*. This amendment will allow the Zoning Ordinance to permit "agritainment" as a conditional use in the R-1 Residential-Agricultural District by creating a new subsection G (see attachment). Currently the land use is noted as "preferential assessment" which makes this parcel a farm.

RECOMMENDATION/COMMENTS

The Montgomery County Planning Commission (MCPC) has serious concerns regarding the applicant's proposal, and, in the course of our review we have identified the following key issues that the applicant and Upper Providence Township may wish to consider prior to final plan approval. Our comments are as follows:

COMMENTS

1. It is the MCPC's opinion that the use of commercial pickleball courts in conjunction with a wedding venue is an intensification of this land use that normally wouldn't be allowed.

2. In this proposed zoning amendment we would like to see a minimum percentage of the parcel designated for the "agricultural operation occurring on the tract", standards for this agricultural use specified, and the addition of a method to confirm that this agricultural operation is, in actuality, functioning.

3. Why isn't pickleball being added as conditional use? Article VIII, §300-171.C.(2) references non-commercial recreation uses and includes tennis clubs; we believe that pickleball should be explicitly stated.

4. Will pickleball be non-commercial or commercial? This amendment does not mention any uses of active recreation facilities or retail facilities for active recreation; please specify these uses, if these uses are planned.

5. MCPC recommends that there be a limited number of people allowed for one event, and this number should be coordinated with the Fire Marshal. We also recommend that the uses on this property be limited to one at a time.

6. This zoning amendment states that its purpose is the preservation and renovation of agricultural buildings, including barns. Additionally, it should state the commercial active recreation pickleball activity that the tentative plan implies.

7. We also recommend that Agritainment developments have a stipulated limit on impervious pavement.

8. Regarding the designated lawn area, we recommend that uses for the lawn area be defined.

9. We recommend that food truck vendors be prohibited from parking in the grass areas and we suggest that remote parking be defined as off the property.

10. Finally, we recommend that in future, if any parcels are split off and sold, reducing parcel size beyond 10 acres, the application of this amendment would be void.

CONCLUSION

Please note that the review recommendation contained in this report is advisory to the municipality and final disposition for the approval of any zoning changes will be made by the municipality.

Should the governing body adopt this proposed zoning ordinance amendment, Section 609 of the Municipalities Planning Code requires that we be sent an official copy within 30 days.

Please print the assigned MCPC number #25-0066-001 on any plans submitted for final recording.

Sincerely,



Laureen G. Sendel-Grant
Principal Transportation Planner II
Laureen.sendel-grant@montgomerycountypa.gov
610-278-3734

cc: HTC Associates, LLC, mclement@wispearl.com; jclement@wispearl.com
Woodrow and Associates, Inc., twoodrow@woodrowinc.com
Thomas Wright, Chair, Upper Providence Planning Commission

Attachments: 1) Aerial View; 2) Sketch Plan; 3) Zoning Text Amendment

Aerial View – 592 Mennonite Road, Upper Providence Township, Montgomery County, PA



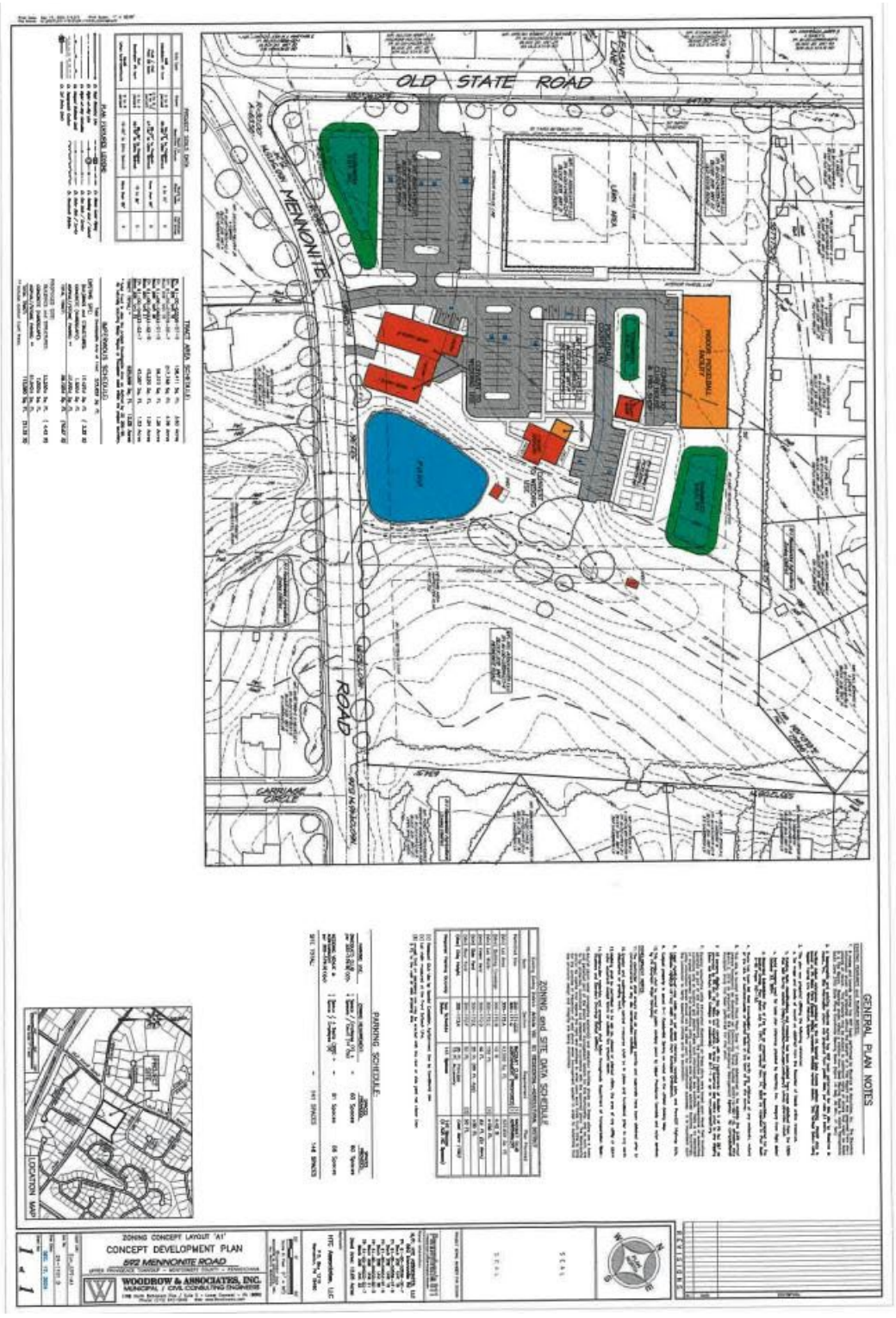
Agritainment 592 South Mennonite Road
MCPC#250066001

Montgomery County Planning Commission

0 100 200 400 Feet

N

Sketch Plan – 592 Mennonite Road, Upper Providence Township, Montgomery County, PA



UPPER PROVIDENCE TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF UPPER PROVIDENCE TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF UPPER PROVIDENCE, CHAPTER 300 *ZONING*, ARTICLE VIII *R-1 RESIDENTIAL-AGRICULTURAL DISTRICT*, SECTION 300-171 *PERMITTED USES*, TO ALLOW "AGRITAINMENT" BY CONDITIONAL USE AND TO ESTABLISH CRITERIA FOR SUCH USE.

WHEREAS, the Board of Supervisors of Upper Providence Township (the "Board") is duly empowered by Section 65607 of the Second Class Township Code, 53 P.S. § 65607, to enact regulations that protect and advance the health, safety, and welfare of the citizens of the Township; and

WHEREAS, the Board has adopted a comprehensive zoning ordinance in accordance with law known as the "Upper Providence Township Zoning Ordinance" (the "Zoning Ordinance"); and

WHEREAS, the Board is authorized by law to make such amendments to the Zoning Ordinance as it deems necessary and beneficial to the Township and its citizens; and

WHEREAS, the Board deems it to be in the best interest of the Township and its citizens to make certain amendments to the Zoning Ordinance to permit "agritainment" by conditional use in the R-1 Residential-Agricultural District and to create specific criteria for such use; and

NOW THEREFORE, be it **ORDAINED** and **ENACTED**, by the Board of Supervisors of Upper Providence Township, Montgomery County, Commonwealth of Pennsylvania, as follows:

SECTION 1.

Chapter 300 Zoning, Article VIII *R-1 Residential-Agricultural District*, Section 300-171 *Permitted uses*, is hereby amended by creating a new subsection G, as follows:

G. The following additional conditional uses, when authorized by the Board of Supervisors, in compliance with § 300-60:

(1) Agritainment. To facilitate the preservation and renovation of agricultural buildings including barns, which have in the past been used for agricultural purposes such as shelter for farm animals, storage of grain or feed, processing of milk, and related activities that are part of the Township's heritage.

(a) For purposes of this section "Agritainment Development" shall mean the preservation and renovation of agricultural buildings such as barns which have in the past been used for agricultural purposes, such as shelter for animals, storage of grain, processing milk, and related activities.

(b) Criteria. An Agritainment Development may be allowed by the governing body as a conditional use subject to the following standards. The burden of proving compliance with these standards shall be on the applicant.

(1) The tract of land comprising the Agritainment Development shall be in one ownership or shall be the subject of an application filed by the owners of the entire tract, and it shall be agreed that the tract shall be developed under single direction and in the manner approved.

(2) Any parcel to be used as Agritainment Development must have a minimum tract area of 10 contiguous acres of land.

(3) At least 50% of the tract must be composed of developable land as defined in this chapter.

(4) Any tract to be used as an Agritainment Development must include an existing agricultural building such as a barn which had been used for agricultural purposes in the past such as shelter for

animals, storage of grain, processing of milk and related activities preserved and renovated to accommodate private parties and receptions; and, any such agricultural building to be used for parties and receptions shall be renovated to meet all applicable regulations of the township building code for occupancy by people at parties and receptions.

(5) An Agritainment Development may be permitted on the same parcel together with residential uses, agricultural uses and special exception uses pursuant to §300-171.C.

(6) There shall be an active agricultural operation occurring on the tract.

(7) The location of an Agritainment Development shall be improved with vegetative and/or physical screening, buffering, or by other appropriate means to prevent adverse impacts upon neighboring properties, such as odor, noise, dust, vibration, smoke, or glare.

(8) All garbage and waste associated with the venue shall be stored within a fully screened dumpster area located at least 100 ft. from any abutting property lines.

(9) Where appropriate, all buildings or structures used to host events that employ sound systems shall demonstrate the reasonable use of available methods for soundproofing so that music or other audio projections onto neighboring properties are minimized to the maximum extent possible.

(10) Agritainment events shall be permitted during the following hours, unless specifically allowed during earlier or later times by the Board of Supervisors:
   (a) Monday to Thursday: 10:00 a.m. to 10:00 p.m.
   (b) Friday and Saturday: 10:00 a.m. to 11:00 p.m.
   (c) Sunday: 10:00 a.m. to 8:00 p.m.

(11) At least 30 days prior to the first event of the calendar year, the property owner or venue operator shall provide the following information/documentation to the Township:
   (a) Complete contact information for the property owner and operator responsible for hosting the events. Any changes to this information shall be provided to the Township as soon as feasible.
   (b) Designated traffic routes. Any changes to this information shall be provided to the Township as soon as feasible.
   (c) Parking locations on site and remote parking (if required). Any changes to this information shall be provided to the Township as soon as feasible.
   (d) A signed affidavit acknowledging the property owner or operator's responsibility for the life safety of occupants during special events.
   (e) The Board of Supervisors shall have the right to impose such other reasonable conditions on

the development and use of an Agritainment Development to mitigate adverse impacts upon adjoining properties, including but not limited to those criteria and requirements applicable to the consideration and issuance of a special event permit pursuant to Chapter 251 of the Township Code.

(c) Uses Permitted in renovated agritainment structures and qualified sites:

(1) Private parties/events, fully within those structures once used for agricultural uses and renovated to comply with current building codes.

(2) Agricultural themed play areas

(3) Vegetable, fruit, and flower picking

(4) Feeding of livestock/petting zoo (in compliance with Pennsylvania Department of Health regulations)

(5) Retail sale of agricultural commodities, farm products, and associated products (including but not limited to holiday decorations and baked goods)

(6) Temporary mobile food vendors, defined as self-contained food service operations, located in a readily movable motorized, wheeled, or towed vehicle, used to store, prepare, display, or serve food intended for individual portion service, when associated with specific private parties/events.

(2) Development plan. If conditional use approval is granted for the use of a tract of land for an agritainment development, within three years after the date of conditional use approval, the development plan shall be submitted and then processed and acted upon by the normal

procedures established in Chapter 270. Subdivision and Land Development, for all other subdivision and/or land development plans. If development plans are not submitted within the specified time period, the conditional approval is voided.

(3) Any substantial or material change in the proposed

operation of an Agritainment Development from that presented to and approved by the Board of Supervisors shall require a new conditional use approval by the Board of Supervisors.

SECTION 2. Repealer

Any and all other Ordinances or parts of Ordinances in violation or in conflict with the terms, conditions, and provisions of this Ordinance are hereby repealed to the extent of such irreconcilable conflict.

SECTION 3. Severability

The terms, conditions, and provisions of this Ordinance are hereby declared to be severable, and, should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, unenforceable, or unconstitutional, the Board hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, unenforceable, or unconstitutional portion, part, or provision of this Ordinance.

SECTION 4. Effective date

This Ordinance shall become effective five (5) days following enactment by the Board of Supervisors.

ORDAINED and **ENACTED** an ordinance of the Board of Supervisors of the Township of Upper Providence this ____ day of _____, 2025.

Attest:

UPPER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS

_____
Timothy J. Tieperman,
Township Secretary

_____
William Starling, Chair