

VIA E-MAIL

July 10, 2015

TO: Whitpain Township Planning Commission
FROM: E. Van Rieker, Township Planning Consultant
RE: Township Planning Commission Meeting – July 14, 2015



1. Approval of minutes.
2. Review Ordinance #4-239. An ordinance amending the Whitpain Township Zoning Map to create the “Airport Overlay District” to designate the appropriate airport areas 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.

Comment:

1. *The state recommends that every municipality that contains an airport should also have an airport district. This idea follows Pennsylvania Act 164, 1984.*
2. *This particular airport overlay district applies only to land owned by Wings Field and should not be considered a “fly-over district” which also establishes landing areas beyond the runway. This district applies only to a specific tract of land. It represents an overlay in the sense that should the airport ever cease operations then the underlying zoning would survive.*
3. *The Montgomery County Comprehensive Plan, Transportation element states the following; “All airports in Montgomery County should be retained, particularly the reliever airports.” (Wings Field has been identified as a reliever airport). “Many corporations use airports to transport business travelers to and from larger airports. One way to retain existing airports in Montgomery County is to support them by regulating land uses and controlling height of structures near them.”*

4. *This current proposed zoning amendment should not be confused with the Airport Hazard Landing Act, 1984, which focus on airport operations beyond the actual airport property. This proposed amendment to both the Zoning Map and the Township Code legitimizes Wings Field from a land use point of view and also provides a Master Plan illustrating the manner in which the airport is expected to develop (or said another way – to be preserved).*
 5. *The balance of the ordinance is a straight forward recital of use regulations along with support building bulk and height regulations and includes a provision for cluster housing on a tract not-to-exceed 10 acres. Based on the maximum gross density this means that a maximum of 5 dwelling units could be created.*
3. Review Ordinance #4-240. 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.

Comment:

This ordinance consists of amendments to the texts of the Township Zoning Ordinance, which I would basically characterize as a “housekeeping” update.

1. *The first group of amendments basically deal with determining the location of an accessory building or structure, based on a function of the proposed height of that structure. Please note that because “building height” is a defined term and because “structure” is included in the regulations, then two dimensional heights are stated for each section: one measured from the mean level of the ground to a point mid-way between the highest and lowest points of the roof; and the second height dimension relates to the*

maximum permitted to the highest point of the roof and/or an accessory structure.

2. *The second category of amendments deals with sign regulations and updates to the sign schedule, which is a summary that relates to all the zoning districts.*

4. Review current zoning hearing board applications:

1. **NO. 2048-15: DIMITRIOS AND MELISSA TSIOSIKAS** request variance relief from Article XII, Section 160-61.D of the Whitpain Township Zoning Ordinance, as amended, relating to the minimum lot width regulations in the R-5 Agricultural/Rural Residence District. Applicants propose to build a house with a lot width of 172 feet on the property located at 651 Morris Road. Applicant's requested variance relief, if granted, will allow a lot width of 172 feet where a minimum lot width of 200 feet is required under the Ordinance.

Comment: This is a residential application and typically the Planning Commission remains neutral unless the proposal has a community-wide impact.

2. **NO. 2049-15: NINA MARTINO** requests variance relief from the Whitpain Township Zoning Ordinance, as amended, as follows: (1) Article V, Section 160-17 relating to side yards for single-family dwellings in the R-1 Residential District; and (2) Article XXVIII, Section 160-203 relating to projections into side yards. Applicant proposes to build a 22-foot by 22-foot garage on the side of the house on the property located at 1435 Manor Lane in the Township's R-1 Residential District. Applicant's requested variance relief, if granted, will allow (1) the construction of a garage resulting in side yard setbacks of 62-feet and 30-feet, where a minimum aggregate width of at least 100 feet, with neither side yard being less than 45 feet wide is required under the Ordinance; and (2) the construction of the proposed garage within the side yard where the Ordinance prohibits any building or part of a building to be erected within the side yard.

Comment: This is a residential application and typically the Planning Commission remains neutral unless the proposal has a community-wide impact.

3. **NO. 2050-15: BRIAN AND KRISTIN KOZERA** request variance relief from the Whitpain Township Zoning Ordinance, as amended, as follows: (1) Article XII, Section 160-61.E relating to minimum rear yard depth of 75 feet in the R-5 Agricultural/Rural Residence District; and (2) Article XXVIII, Section 160-204 relating to residential rear yard intrusions. Applicants propose to construct a 4-season room to enclose an endless pool for special needs therapy and training within the rear yard setback of the house located at 1050 Deerpath Road in the Township's R-5 Agricultural/Rural Residence District. Applicant's requested variance relief, if granted, will allow (1) a setback of 36-feet 6 inches, where 55-

feet 4 inches currently exists, and a minimum of 75-feet is required under the Ordinance; and (2) the construction of the proposed 4-season room within the rear yard where the Ordinance prohibits any building or part of a building to be erected within the rear yard.

Comment: This is a residential application and typically the Planning Commission remains neutral unless the proposal has a community-wide impact.

5. Review pertinent planning issues.

cc:	Jim Blanch	Bradley Tate	Jennifer Gallagher
	Karen Dolga	Ken Corti	Nicole Godson
	Otis Hightower	Penny Gerber	
	Tory Meitner	Richard Shorin	
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