

## **BUILDING AND ZONING COMMITTEE**

### **AGENDA**

**WEDNESDAY, NOVEMBER 2, 2011**

**8:15 P.M.**

**CURTIS HALL IN CURTIS ARBORETUM  
CHURCH ROAD AND GREENWOOD AVENUE**

**MICHAEL J. SWAVOLA – CHAIRMAN  
ART HAYWOOD – VICE CHAIRMAN  
KATHY A. HAMPTON - MEMBER  
CHARLES D. MC KEOWN – MEMBER  
J. ANDREW SHARKEY – MEMBER  
MORTON J. SIMON, JR. – MEMBER  
HARVEY PORTNER – EX-OFFICIO MEMBER**

1. Review of the Zoning Hearing Board Agenda for November 14, 2011; see attached.
2. Continued Review of the Proposed Age Restricted Overlay District Ordinance; see attached.
3. Review of the minutes for the Planning Commission meeting of October 24, 2011; see attached.
4. Review of the minutes for the Ad-Hoc Committee meeting of October 24, 2011; see attached.
5. Review of Recent Decision(s) of the Zoning Hearing Board.
6. Report of the Building Inspector for October 2011. See attached.
7. Old Business
8. New Business
9. Citizens' Forum
10. Adjournment



David G. Kraynik  
Township Manager

**ZONING HEARING BOARD**

**AGENDA**

**FOR**

**NOVEMBER 14, 2011**

## NOTICE

NOTICE IS HEREBY GIVEN that an application for Zoning Relief for 7803 Montgomery Avenue, Elkins Park, PA 19027 will be reviewed by the following Township Bodies which will offer recommendations to the Zoning Hearing Board:

- a. Cheltenham Township Planning Commission on Monday, October 24, 2011 at 7:30 PM at the Township Administration Building Boardroom 8230 Old York Rd, Elkins Park PA 19027
- b. Cheltenham Township Building and Zoning Committee on Wednesday, November 2, 2011 at 8:15 P.M. at Curtis Hall, at Curtis Hall, at Curtis Arboretum, Greenwood Avenue and Church Road, Wyncote, PA 19095,

This application will be heard by the Zoning Hearing Board on Monday, November 14, 2011 at 7:30 P.M. at Curtis Hall, at Curtis Arboretum, Greenwood Avenue and Church Road, Wyncote, PA 19095.

APPEAL NO. 3413: (Continued) Appeal of Montgomery Court Realty Co., L.P., owner of premises known as 7803 Montgomery Avenue, Elkins Park, PA 19027, from the Decision of the Zoning Officer in order to operate a Private Ambulance Service from the premises

- a. A Determination that the storage of Private Ambulance on the premises overnight is not a function of the operation of a Private Ambulance Service and thus permitted as a legal nonconforming use of the premises per the grant of relief under ZHB Appeal No. 1563.
- b. In the alternative to a, above, a Determination, pursuant to "Nonconforming Uses" as outlined in CCS 295-227.F., that the operation of a Private Ambulance Service is of the same class of use as the previously approved nonconforming use(s) and thus permissible.
- c. In the alternative to a. and b., above, a Variance from the Rules and Regulations of the Class R-5 Residence District as outlined in CCS 295-43. for the operation of a Private Ambulance Service instead of one of the enumerated permitted uses.

The above application, including site plans, is on file in the Township Administration Building, Building and Zoning Department, Room 204, 8230 Old York Road, Elkins Park, PA, 19027 and are open for review, Monday thru Friday, 8:00 AM to 4:30 PM.

Any person or persons with a disability requiring a special accommodation to participate in the meeting should notify Nancy K. Gibson at 215-887-1000 at least 5 work days prior to the meeting.

7803 MONTGOMERY

Block 41

MONTGOMERY AVE

AVE

PENN ST.

GERARD

HARRISON

Block 44

Block 43

ASHBOURNE RD.

Cheltenham

MILL RD.

Block 47

ZUB 3413-4

CHELTEMPHAM TOWNSHIP  
 MONROE COUNTY PA  
 REAL ESTATE REGISTRY  
**BLOCK 42**  
 MADE BY THE TOWNSHIP OF CHELTEMPHAM  
 MAY 1, 1914



KITCHEN  
 FIRST FLOOR AREA 1000 SQ FT  
 FIRST FLOOR CORNER BATH 5'0" X 7'0"  
 2'0" X 7'0" BATH ROOM WITH TUB  
 OUTSIDE WALLS BRICK  
 ROOF WOOD CONSTRUCTION  
 FLOOR CEMENT

Dr. A. S. BOURNE, P.E.

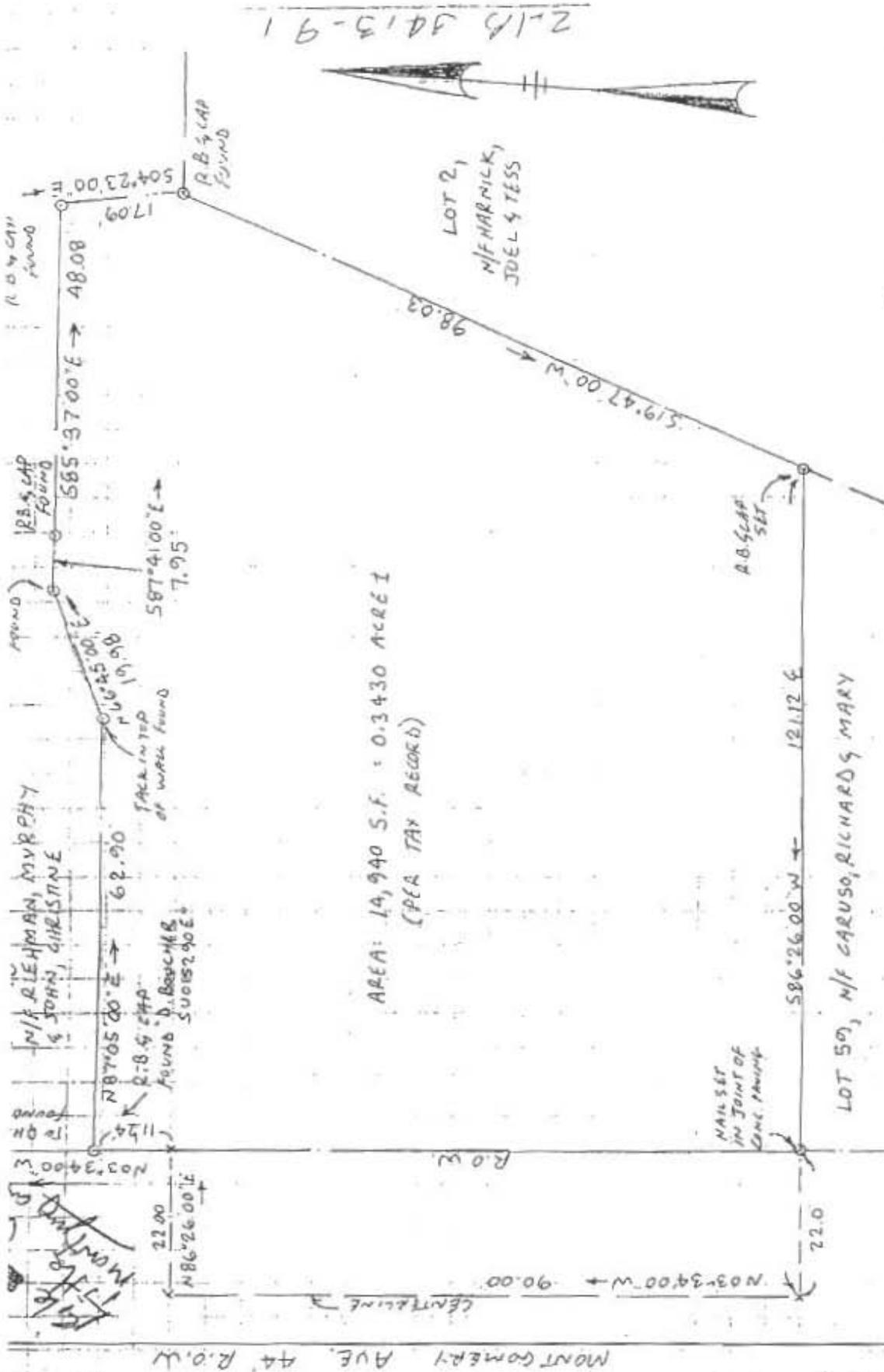
Q OF MONTGOMERY AVE

100'0  
 (NOT TO SCALE)

PLOT PLAN  
 7003-Q OF MONTGOMERY AVE  
 ELKINS PARK, PA.  
 SCALE 1/8" = 1'-0"  
 JAN. 25, 1955

ZAB 34,3-8

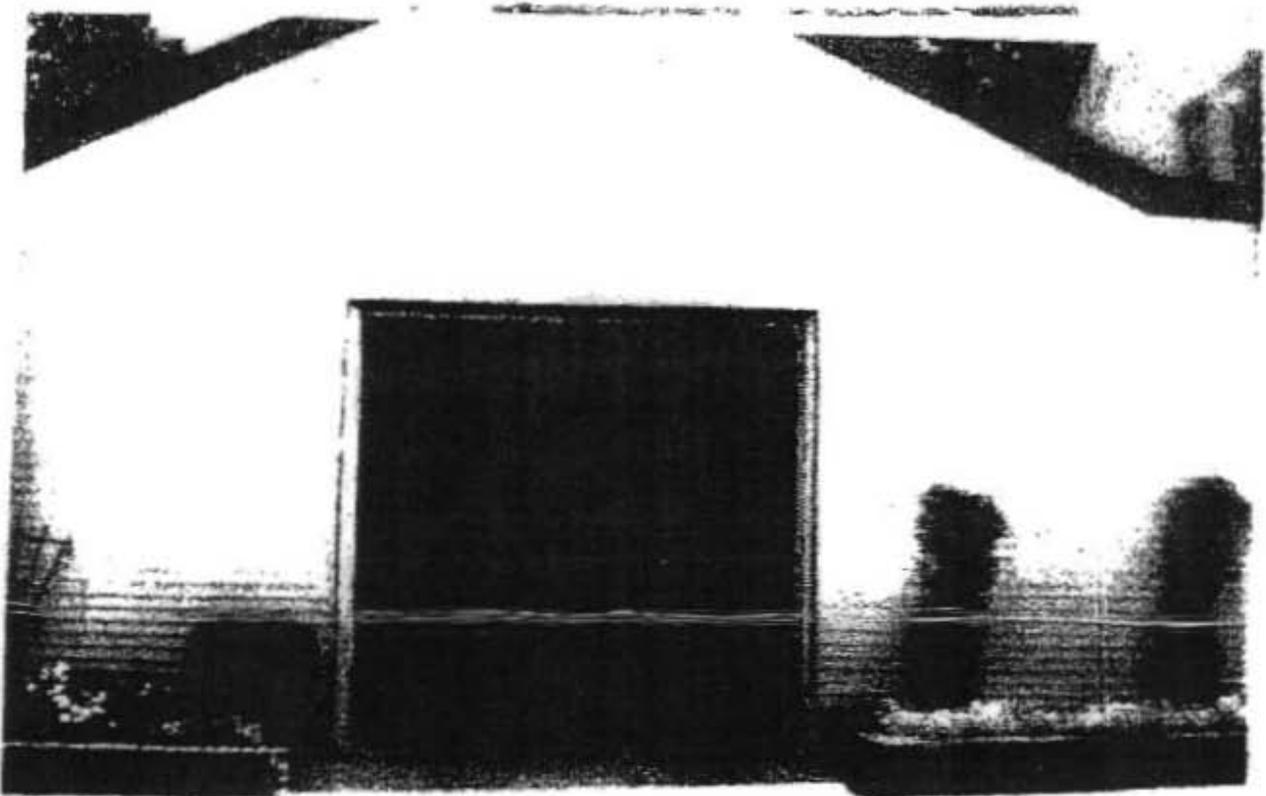
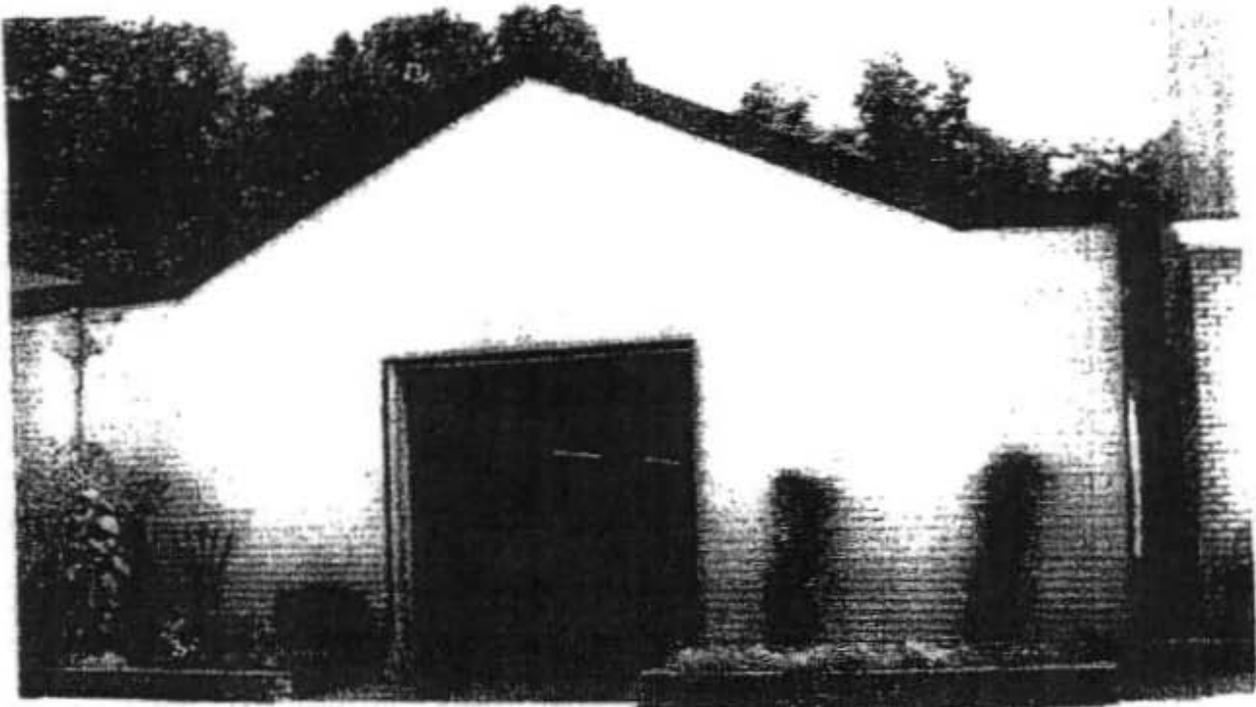
ROSENGARTEN & KRAEMER  
 ARCHITECTS & ENGINEERS



**Bear Gully Survey Company**  
 FREE PRICE QUOTE - Mon.-Sat. 7 AM - 9 PM  
 CALL 215-280-3520 or 215-776-4168  
 • Owner Stephen P. Bryant, P.L.S.  
 • Serving Bucks, Montgomery, Delaware, and Chester Counties  
 • Land Boundary & Plan S.195 & Up  
 • Flood Certification  
 • Pennsylvania Licensed  
 4323 Marple Street • Philadelphia, PA 19136-3630

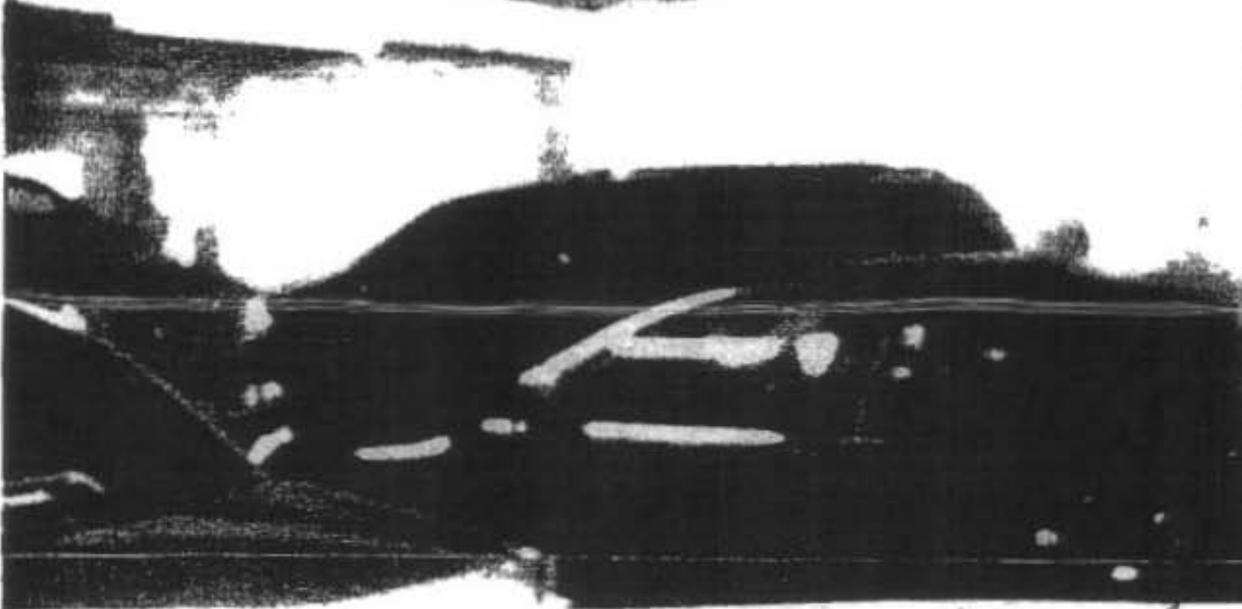
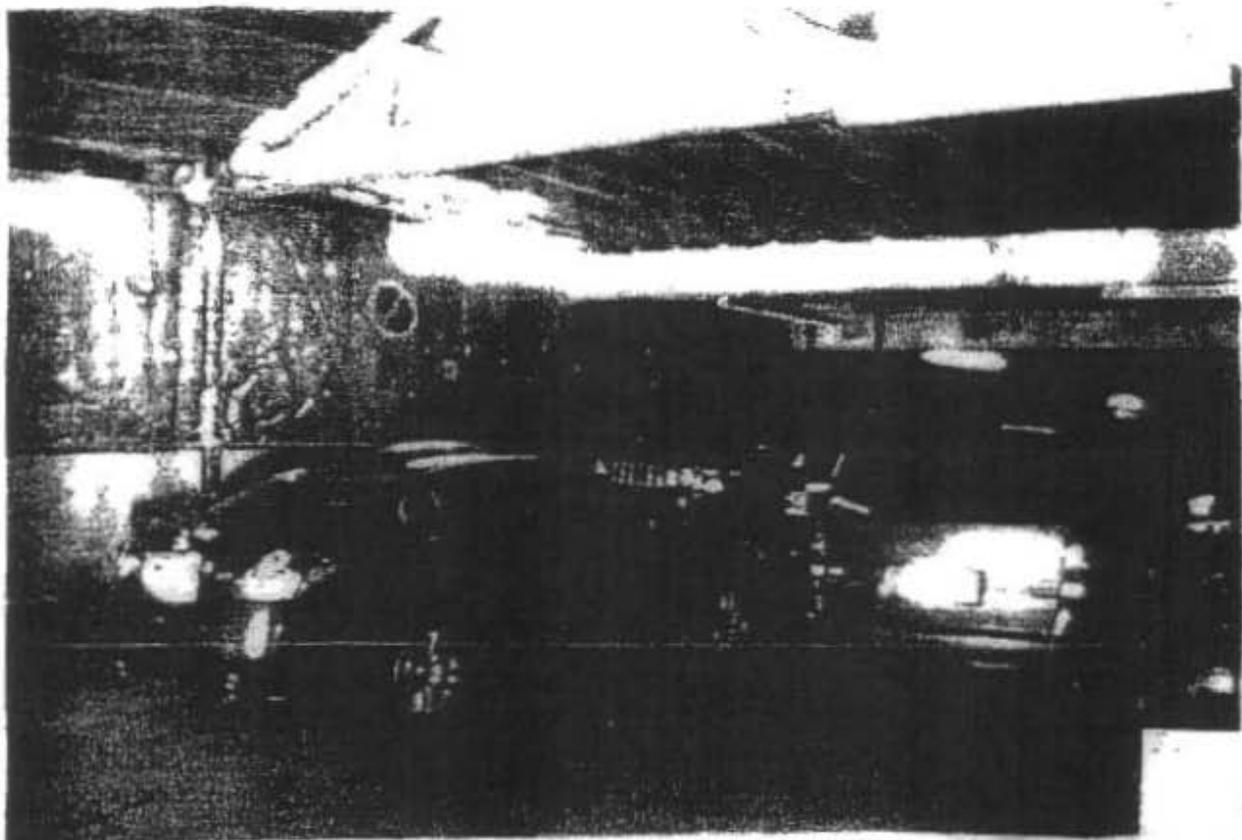
PLAN OF LAND SURVEY FOR  
 MONTGOMERY COURT REALTY CO. L.P.  
 BLOCK 42, LOT 17  
 CHELTENHAM, TWP.  
 MONTGOMERY CO.  
 PENNSYLVANIA  
 SCALE 1" = 20'  
 DATE 4-8-2008

0157550521067  
 [Signature]



\* APPROXIMATELY 11:00 AM

21B 3413-10.1



\* Appendix 11: 00:00

2.1.3 3413-10 4

October 28, 2011

David G. Kraynik, Township Manager  
CHELTENHAM TOWNSHIP  
8230 Old York Road  
Elkins Park, PA 19027

Re: Age Restricted Overlay District  
Proposed Amendment to Zoning Ordinance

Dear Mr. Kraynik:

I have received and reviewed the September 16, 2011 Montgomery County Planning Commission letter concerning the proposed Age Restricted Overlay District. I have also spoken to Hannah Mazzaccaro, AICP, who prepared the county report. In general the MCPC has given the Township a strong endorsement of the proposed amendment. You have asked me to respond to review comments numbered 3, 4, and 5 on page four of the county letter. My comments follow:

3. Historic Preservation. The Montgomery County Planning Commission suggests that, in addition to the other requirements for preservation of historic structures contained within the AR Overlay, we also allow for the subdivision of historic properties. This is certainly worth considering and it may make preservation more practical and successful. If the Commissioners would like to include this provision, we can add it to the draft ordinance.

4. Development Review Process. This comment proposes adding additional studies to the submission requirements for Age-Restricted Development. The Township presently does not require environmental, fiscal or traffic studies as part of the zoning application process; however, this is information that may help in the decision making process. We could include the requirement in the AR Overlay and consider adding it to other districts in the future.

1122 Old Bethlehem Pike  
Lower Gwynedd, PA 19002

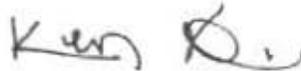


phone: 215.283.9619  
fax: 215.646.3458  
kenamey@aol.com

5. Green Buildings. The MCPC recommends that the Township require some level of sustainable design standards to the ordinance. My only concern with this suggestion is that LEED Certification can add substantially to construction cost. On the other hand, "Energy Star" certification can be achieved for a more modest cost. If the Commissioners would like to encourage sustainable design, this overlay district would be a good place to start.

I look forward to discussing these comments with the Board of Commissioners at their Building & Zoning meeting on November 2, 2011. In the meantime, if you or the Commissioners have any questions, please let me know.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ken Amey". The signature is written in a cursive, somewhat stylized font.

Kenneth Amey



## MONTGOMERY COUNTY PLANNING COMMISSION

box 311 • norristown • pennsylvania • 19404-0311 • (610) 278-3722  
office location: suite 201 • one montgomery plaza • swede & airy streets • norristown pa  
FAX (610) 278-3941 • Website [www.montcopa.org/plancom](http://www.montcopa.org/plancom)

September 16, 2011

Mr. David Kraynik, Manager  
Cheltenham Township  
8230 Old York Road  
Elkins Park, PA 19027

Re: MCPC #07-390-003  
Zoning Ordinance Text Amendments  
Establish an Age Restricted Overlay District

Dear Mr. Kraynik:

We have reviewed the above-referenced zoning ordinance amendment in accordance with Section 609 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on August 12, 2010. We forward this letter as a report of our review and recommendations.

### **Background & Ordinance Summary**

The Township is proposing to enact a new Article XXXIII, Age-Restricted Overlay District, to replace the district of the same name that was originally adopted by the Township in 2008 and then repealed in July 2010.

The following summarizes the key components of the proposed ordinance:

1. **Purpose.** The district is intended to "provide accommodation for age-restricted housing developments" "tailored to the needs of residents 55 years and older," and to promote pedestrian-friendly design, while also encouraging preservation of surrounding neighborhood character and natural features.
2. **Overlay.** The proposed district would function as an overlay, permitted by special exception, on all parcels 5 acres and greater within a Residential, Institutional, or C-1 Commercial zoning district that meet a minimum length of frontage on a state road.
3. **Use Regulations.** The following uses are permitted within the overlay by special exception (with approval of the Zoning Hearing Board): age restricted housing; accessory retail, personal services, and professional offices (not to exceed 5% of the tract); and other accessory uses customarily incidental to an age-restricted community.
4. **Performance Standards.** Developments shall comply with the following:
  - a. All buildings and parking must be set back at least 100 feet from perimeter roadway frontage.

- b. When adjacent to a single-family detached or attached use, buildings must be set back at least 75 feet and parking must be set back at least 50 feet.
  - c. When adjacent to any other use, buildings must be set back at least 50 feet and parking must be set back at least 25 feet from the parcel boundary.
  - d. Housing types permitted in an approved overlay area are: single-family and two-family homes (detached, semi-detached, and attached), including townhouses, up to three stories; and apartment buildings up to 8 stories and 96 feet.
  - e. Density is capped at 8 du/acre for all single-family and two-family homes (detached, semi-detached, and attached); apartment buildings are permitted a density of up to 20 units per acre, depending on the height of the building; total tract development is capped at 300 units total, regardless of tract size or building type.
  - f. Developments are permitted up to 20% building coverage and 45% impervious, except that allowable coverages are reduced incrementally based on building height, to 10% building coverage and 30% impervious coverage for an 8 story building.
  - g. Maximum permitted building length is 160'.
  - h. At least 50% of the total tract must be preserved as common open space. All of the non-developable land and at least 20% of the developable land area must be preserved as common open space, which means these areas (including steep slopes, riparian buffers, wetlands, etc.) cannot be lotted for single ownership or developed in any way.
  - i. Open spaces can be offered to the Township, deeded to a non-profit conservation organization, or maintained by a homeowner association. The open space shall be maintained according to a Township-approved maintenance plan and deed-restricted (if not owned by the Township).
  - j. The ordinance establishes a minimum 100' Riparian Buffer and defines the buffer.
5. Development Requirements. Developments shall comply with the following:
- a. Developer must submit a phased Master Plan prior to any approval being granted.
  - b. Parking. 1.5 spaces per unit (consistent with requirement for multi-family housing in the township) plus one guest space for every 5 units, plus one space per employee on the largest shift. Accessory uses shall be parked according to the requirements in the Parking and Loading chapter of the Zoning Code.
  - c. Utilities. All utilities must be underground and above-ground structures shall be screened. AR developments must be served by public water and sewer.
  - d. Sidewalks are required along all road frontages and linking all areas of the development. Walking trails are required in the open space and must be open to the public.
  - e. Landscaping. A plan must be submitted, following township requirements, and a landscaped buffer must be planted at a depth of 25' along the entire perimeter of the tract.

- f. Lighting must not trespass onto adjacent properties.
  - g. Trash and loading areas must be hidden and screened.
  - h. Building Design. Buildings must have a unifying architectural theme; architectural details are encouraged (not required); blank walls are not permitted; applicant must submit architectural renderings, material samples, and photos of the surrounding neighborhood for comparison, to Zoning Hearing Board as part of the Special Exception hearing.
  - i. Historic Preservation. Identified historic resources shall be preserved "in a manner acceptable to the Board of Commissioners." Up to one quarter of the required open space for a tract can be satisfied with the area of the historic resource, presumably including the building and impervious areas, and those building and impervious coverages will not count toward the building and impervious coverage calculations for the development. The historic resource will have a buffer of at least 50' from any new development areas. A historic building can be used as part of the AR use (for example as a residential use or as a clubhouse or other AR community amenity.)
6. Additional Requirements. Additionally, AR developments must: be deed-restricted as an age-restricted use; be developed as an age-restricted use or submit new plans meeting the requirements of the underlying zoning; provide all necessary documentation to maintain a legal age-restricted housing use, to the satisfaction of the Township Solicitor.

#### Review Comments

We offer the following comments for your consideration:

1. *Location of the AR Overlay*. The proposed AR Overlay could be applied to more than 60 parcels in the Township; however, fewer than ten of those parcels currently have developable land area and are not already in full use by an institution or as a commercial center. In the future, the Township may want to consider adding more location options to encourage age-restricted buildings and developments in areas adjacent to train stations, religious institutions, shopping centers, and medical centers. The 2006 Township Comprehensive Plan recommends that age-targeted housing be located in multi-family, office and mixed-use districts, in walkable areas that are accessible by public transportation and close to services and conveniences for seniors.
2. *Performance and Development Standards*. The proposed ordinance is an improvement over the previous AR Overlay District in many important ways. It would require more open space than the repealed version of the ordinance, permit less developed area, tie density to building type and height using a sliding scale, and require more open space for taller buildings. It also appears to prohibit any lotting or development of environmentally constrained lands, including steep slopes, floodplains, and wetlands, and requires a 100 foot riparian buffer along streams.

In addition, the proposed changes would require a 25' deep landscaped buffer around the entire perimeter of the development tract, require sidewalks along all streets and connecting all buildings, and require walking trails through the required open space, which are required to be open to the public. The open space would have to be deed restricted from further development, and the Township would have to approve a maintain plan for the open space.

We support all of these changes to the ordinance as they will help protect natural resource areas, limit areas of development and disturbance, and provide amenities, connections, and buffering to the benefit of both the residents of the proposed community and the surrounding neighborhoods.

3. *Historic Preservation.* The previous version of the AR Overlay ordinance did not require preservation of existing historic resources on properties proposed for development, and seemed to conflict with the Preservation Overlay District, which also applies to all developments greater than 5 acres. The Township has recently revised the Historic Preservation overlay ordinance (not yet adopted), which will provide a mechanism for review and preservation of scattered sites identified in the Township's historic resource survey. Some of those resources are located on properties that could be developed under the AR Overlay zoning. The proposed ordinance requires preservation of historic resources, and provides requirements for setbacks, use, and maintenance of historic structures located within AR Overlay developments. We applaud the addition of these safeguards and note that these requirements are consistent with the Township's planning goals.

The only concern we have is that in some cases, it may be best to have a structure subdivided and sold off on its own lot, rather than have it remain standing (but possibly vacant) as part of a new development. The Township may want to add standards to subdivide off an "estate lot" from the rest of a development in a way that gives some open space credit or bonus to the developer, as an incentive to have the historic property fully preserved, maintained, and inhabited.

4. *Development Review Process.* The proposed ordinance requires that the applicant submit a Master Plan, phasing plan, architectural renderings, photos of the surrounding community, landscaping plan, open space management plan, and all applicable deed restrictions and restrictive covenants, for review by the Township as part of the application for a Special Exception allowing use of the overlay. The Township may want to consider also requiring an Environmental Impact Study, including environmental, fiscal and traffic impact analyses, and requiring the submission of a By-Right Yield Plan for comparison. These studies can help a community gauge what impacts a new development will have, and propose ways to mitigate those impacts in the development review process.
5. *Green Building.* The Township has made a commitment to plan for a sustainable future. Because the proposed district is an Overlay (not the by-right zoning), it is within the Township's rights to require a certain level of building design standards as a condition of approval. We recommend that the Township consider requiring a commitment to "Energy Star" certification and/or a level of LEED certification as part of the AR Overlay requirements. This can be a great selling point for a new community, makes good sense from a property maintenance standpoint, and can provide significant energy-saving and environmental benefits.
6. *Definitions.* The proposed ordinance includes definitions for: Buffer, Building, Building Coverage (defined as "Building Area"), Common Open Space, Floodplain, Steep Slopes, and Street. These are all already defined in the Zoning Code, Subdivision and Land Development Ordinance, and Building Code, with different definitions than what is proposed here. Also, the currently proposed drafts of the Historic Resource Overlay District and Riparian Corridor Conservation District have definitions of "Historic Resource" and riparian buffers that differ

Concern

somewhat from what is in the proposed AR Overlay. The township should resolve these conflicts before making these amendments.

7. *Age-restricted Housing Demand.* Though current economic conditions are particularly challenging for age-restricted housing, our analysis of the township's demographics, income data, and community services show that there will be a long-term demand for age-defined housing in Cheltenham Township. There are high concentrations of persons 55 and older clustered in the township, which is well-located with regard to public transportation, cultural activities, and existing seniors' services and healthcare networks.

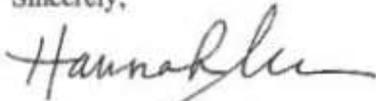
**Recommendation**

We recommend approval of the AR Overlay District provided the suggestions we made are addressed to the satisfaction of the Township.

Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality.

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

Sincerely,



Hannah Mazzaccaro, AICP  
Community Planner  
610-278-3744 hmazzacc@montcopa.org

- c: Harvey Portner, Pres., Township Commissioners  
Thomas Cross, Chrm., Township Planning Commission  
David M. Lynch, P.E., P.L.S., Township Engineer  
Joseph O. Bagley, Esq., Solicitor  
Bryan T. Havir, P.P., AICP, Assistant Township Manager

**CHELTENHAM TOWNSHIP  
ORDINANCE NO. \_\_\_\_ - \_\_**

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF CHELTENHAM, CHAPTER 295, THEREOF, ENTITLED “ZONING”, BY ADDING DEFINITIONS FOR BUFFER, BUILDING, COMMON OPEN SPACE, DEVELOPABLE ACREAGE, BUILDING COVERAGE, HISTORIC RESOURCE, IMPERVIOUS COVERAGE, INTERNAL ACCESSWAY, FLOODPLAIN, STEEP SLOPES, WETLANDS, RIPARIAN BUFFER, RIPARIAN CORRIDOR, AND STREET TO ARTICLE I; AND BY ADDING A NEW ARTICLE XXXIII, ENTITLED “AGE RESTRICTED OVERLAY DISTRICT”**

**SECTION 1.** The Board of Commissioners hereby amends the Code of the Township of Cheltenham, Chapter 295, entitled “Zoning”, by inserting the following definitions in Article I, Section 295-2.C, in alphabetical order:

**BUFFER** – An area designed to separate the land uses which it abuts and to ease the transition between them. A buffer shall be comprised of vegetation arranged to soften and screen the view from one side to another during all seasons of the year. Unless otherwise specified, buffers may be included as part of the required setbacks and yard areas.

**BUILDING** – Any structure having a roof supported by columns, piers, pipes, studs, walls or other building materials located upon the land. A parking structure shall also constitute a building.

**BUILDING COVERAGE** – The ratio of the building area on a lot to the developable acreage of the lot.

**COMMON OPEN SPACE** – An outdoor portion of a development or tract of land that is designed or functions as a recreational area and/or for the preservation of sensitive natural features. Private yards directly adjacent to a residence shall not be considered common open space.

**DEVELOPABLE ACREAGE OR AREA** – The area within the lot lines, except those portions located within the ultimate right-of-way of existing public or private roads, wetlands, floodplains, land continuously covered by water, watercourses, riparian buffers, or slopes 15% or greater.

**FLOODPLAIN** – That area defined in Article XXI of this Chapter as the Floodplain Conservation District(s). The floodplain definition contained therein shall be considered the definition for floodplain for all purposes and uses of this Chapter.

**HISTORIC RESOURCE** – A structure listed in the National Register of Historic Places, the Pennsylvania Historic Resources Survey, the Montgomery County Inventory of Historic and Cultural Resources, the Montgomery County Comprehensive Plan, the Cheltenham Township Comprehensive Plan, the Cheltenham Township Inventory of Cultural Resources, a listing of historic and cultural resources compiled by the Board of Commissioners or Planning Commission, or other appropriate documentation, or a structure seeking listing as a historic resource from any of the above listings. The term historic resource shall also include historic accessory uses.

**IMPERVIOUS COVERAGE** – The ratio of the area of all portions of a lot covered in any way so as not to allow the ground beneath to absorb water at a natural rate, to the developable acreage of the lot.

**INTERNAL ACCESSWAY** – A private roadway or driveway providing access to a property from a public or private street.

**RIPARIAN BUFFER** – An area with a width defined by this Chapter, designed to protect the riparian corridor.

**RIPARIAN CORRIDOR** – Lands adjacent to streams, wetlands, and water bodies.

**STEEP SLOPES and STEEP SLOPE AREA** – An area with slopes of 15% or greater as further defined in Article XXII of this chapter as the Steep Slope Conservation District(s). The steep slope definition contained therein shall be considered the definition for steep slopes and steep slope area for a purposes and uses of this chapter.

**STREET** – A right-of-way, whether municipally or privately owned, serving as a means of vehicular travel, furnishing access to abutting properties and space for sewers and public utilities.

**WETLANDS** – Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances to support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

**SECTION 2.** The Board of Commissioners hereby adopts the following as Chapter 295, entitled "Zoning", Article XXXIII, "Age Restricted Overlay District".

**§295-240. PURPOSE.**

The purpose of this district is to provide accommodation for age restricted housing developments by establishing regulations to permit development by special exception, tailored to the needs of residents 55 years of age and older, recognizing their different housing needs and relatively reduced impacts on surrounding land uses; and to require protection and preservation of historic resources in the development of land for age restricted housing, as follows:

- A. By providing a greater variety of housing to serve the needs of older persons who prefer an active and independent residential environment.
- B. By encouraging the preservation of the character of neighborhoods adjacent to the district.
- C. By encouraging the preservation of natural features, such as woodlands, streams and open space by allowing compact development.
- D. By promoting a pedestrian environment and providing a pedestrian orientation of buildings and streets.
- E. To address Sections 603, 604, and 605 of the Pennsylvania Municipalities Planning Code by requiring the protection and preservation of historic resources.

**§295-241. OVERLAY.**

The Age Restricted Overlay District shall be permitted by special exception on all parcels meeting the following criteria:

- A. The tract of land to be developed shall be a minimum of 5 acres in gross area and shall have been held in single and separate ownership before and since the date of adoption of this overlay district. No tract proposed for development under this ordinance shall be subdivided, either during or after the development process.
- B. The tract must be located within a Residential or Institutional Zoning District, or the C-1 Commercial District. The C-2, C-3, and C-4 Commercial and Business Districts; and the G Manufacturing and Industrial Districts are specifically excluded from this overlay district.
- C. The tract must have frontage on a state highway and must take access from that highway. Minimum frontage on a state highway shall be as follows:

1. For parcels between 5 and 8 acres: 450 feet
  2. For parcels greater than 8 and not more than 12 acres: 750 feet
  3. For parcels greater than 12 and not more than 30 acres: 850 feet
  4. For parcels greater than 30 and not more than 60 acres: 900 feet
  5. For parcels greater than 60 acres: 2500 feet
- D. All development under the Age Restricted Overlay District shall comply with the provisions of this Article. If conflict exists between the requirements of this Article and another provision of the Cheltenham Township Zoning Ordinance, the requirements of this Article shall apply.

#### **§295-242. USE REGULATIONS.**

The following uses are permitted in the Age Restricted Overlay District:

- A. Any use permitted in the underlying zoning district, subject to compliance with all provisions of that district.
- B. The following uses are permitted by special exception, subject to the provisions of this Article:
  1. Age restricted housing in accordance with the Federal Fair Housing Act and the standards set forth in this Chapter including, but not limited to, §295-244 K.3.b. An applicant for such a special exception shall demonstrate compliance with Sections 295-243. and 295-244. of this Article as well as the criteria for granting special exceptions provided in Article XXVII.
  2. Retail shops, personal service shops, and professional offices may be permitted as accessory uses within one or more of the principal residential buildings. These uses shall be limited to the first floor only. In addition, such a use(s) may be located in a separate free-standing building(s); however, in that case the total area occupied by such a use(s), including building and parking areas, shall not exceed 5% of the developable acreage of the tract.
  3. Accessory uses customarily incidental to age restricted housing including clubhouse, dining facilities, indoor and outdoor recreational facilities, and maintenance and security facilities.

#### **§295-243. PERFORMANCE STANDARDS.**

- A. Perimeter Setback. (In addition, see setback modifications contained in subsection F.2.)
  1. The minimum building or parking setback from an exterior or perimeter street right-of-way, or a municipal boundary, shall be 100 feet.

2. The minimum building setback from an adjacent property zoned for single family detached or attached use shall be 75 feet. The minimum building setback from property zoned for any other use shall be 50 feet.
3. The minimum parking setback from an adjacent property zoned for single family detached or attached use shall be 50 feet. The minimum parking setback from property zoned for any other use shall be 25 feet. In all cases, driveways shall conform to the parking setback requirement except that portion of the driveway required to make a transverse crossing from the right-of-way to the setback line.

B. Housing Types. The following housing types shall be permitted in the age restricted overlay district:

1. Single family detached dwellings.
2. Single family semi-detached dwellings.
3. Two family detached dwellings.
4. Two family semi-detached dwellings.
5. Townhouses. Within the Age-Restricted Overlay District a row of townhouses shall contain no more than 5 attached units.
6. Midrise Multi-family dwellings. For the purposes of this Article, Midrise Multi-family dwellings shall be defined as multiple dwelling buildings at least 4 stories in height, and no greater than 8 stories or 96 feet in height.

C. Density.

1. The overall density shall not exceed 8 dwelling units per developable acre for single family detached dwellings, single family semi-detached dwellings, two family detached dwellings, two family semi-detached dwellings, or townhouses.
2. The overall density for Midrise Multi-family dwellings shall be as follows:
  - a. 4 or 5 story buildings – 12 units per developable acre
  - b. 6 or 7 story buildings – 15 units per developable acre
  - c. 8 story buildings – 20 units per developable acre
3. In all cases, a single qualifying tract developed under this overlay shall not contain more than 300 total dwelling units.

D. Building coverage.

1. Building coverage shall not exceed 20% of the developable area of the tract.

E. Impervious coverage.

1. Impervious coverage shall not exceed 45% of the developable area of the tract.

F. Maximum building height.

1. Except as provided in subsection F.2., the maximum building height shall be 45 feet, not to exceed three stories.
2. In the case of Midrise Multi-family dwellings, the maximum building height shall be 96 feet, not to exceed 8 stories; however, for every foot or fraction thereof in excess of 45 feet in height, each and every setback requirement shall be increased by 3 feet; and for every story in excess of 3 stories in height, the building coverage limitation shall be reduced by 2% and the impervious coverage limitation by 3%.

G. Building arrangement.

1. The minimum distance between buildings shall be the greater of 30 feet or half the height of the taller building.
2. The maximum building length shall be 160 feet, including angles.
3. Buildings shall be set back a minimum of 25 feet from the cartway of internal accessways. In the case of any internal streets required to be designed with a right-of-way, the 25 foot setback shall be measured from the right-of-way line.

H. Common open space.

1. All development under this Article shall provide not less than 50% of the total area of the tract as common open space. In all instances, all nondevelopable area shall be preserved as common open space, and at least 20% of the developable area shall be included as common open space.
2. Provision shall be made to provide continued protection and maintenance of the common open space so as to insure its preservation. This shall be accomplished in one of the following manners:
  - a. The Township may, but shall not be required to, accept any portion of the common open space by fee simple dedication, provided that:

- 1) There is no cost to the Township; and
  - 2) The Township agrees to and has adequate access to maintain such facilities.
- b. With permission of the Township, and with appropriate deed restrictions in favor of the Township and in language acceptable to the Township Solicitor, the owner may transfer the fee simple title in the common open space or a portion thereof to a private, nonprofit organization among whose purposes is the conservation of open space land and/or natural resources; provided that:
- 1) The organization is acceptable to the Township and is a bona fide conservation organization with a perpetual existence.
  - 2) The conveyance contains appropriate provision for proper retransfer or reverter in the event that the organization becomes unable or unwilling to continue to carry out its functions.
  - 3) A maintenance agreement acceptable to the Township Solicitor is entered into by the developer, organization and Township.
  - 4) A deed restriction is recorded with the office of recorder of deeds for the applicable open space restricting its use as open space only.
- c. The developer may provide for and establish an organization for the ownership and maintenance of the common open space consistent with the requirements for unit owners associations found in the Pennsylvania Uniform Condominium Act, 68 Pa.C.S.A. §3101 et seq. If such an organization is created, the deeds and agreements of sale for the common open space and for all individual lots within the tract shall contain the following requirements in language acceptable to the Township Solicitor:
- 1) Such organization shall not dispose of the common open space by sale or otherwise except to the Township or other governmental body unless the Township has given prior, written approval. Such transfer shall be made only to another organization which shall maintain the common open space in accordance with the provisions of this article.
  - 2) The organization and all lot owners within the development shall agree to be bound by the provisions of §705(f)(2) and (3) of the Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended, 53 P.S. §10705(f)(2) and (3), relating to Township maintenance of deteriorating open space and providing

for the ability of the Township to access and lien the properties within the development.

- 3) All lot owners within the development shall be required to become members of the organization and pay assessments for the maintenance of the common open space which may be increased for inflation and which may provide for professional management; and the organization may lien the lots for nonpayment of maintenance assessments in the same manner as other assessments.
- 4) The Township may require the formation of a reserve fund to cover capital improvements and maintenance to the common open space.
- 5) A deed restriction is recorded with the Office of the Recorder of Deeds for the applicable open space restricting its use as open space only.

I. Riparian buffer.

1. A riparian buffer with a minimum width of 100', or as required by the Riparian Corridor Conservation District, shall be provided along all riparian corridors.

**§295-244. DEVELOPMENT REQUIREMENTS.**

A. Master Plan.

1. The project shall be developed and constructed in accordance with an overall master plan for the site. The master plan shall be submitted as part of any application for approval in this district.
2. The development shall be carried out in phases, with each phase so planned that the requirements and intent of this article for any phase shall be fully complied with at the completion of that phase. For housing types other than midrise multi-family dwellings, the initial phase of development shall contain no more than 10 dwelling units, or 15% of the total number of dwelling units proposed under the master plan, whichever is greater. For midrise multi-family dwellings, the initial phase shall be one building.
3. Prior to the start of construction of the initial phase, financial guarantees shall be posted to ensure the completion of all amenities, including, but not limited to: swimming pools, tennis courts, recreational areas and buildings, community centers, fitness centers, and walking trails, as shown on the master plan.

B. Off-Street Parking and Loading.

1. Parking Spaces – 1.5 spaces per unit, plus one guest space for every 5 units and one space for each employee on the largest shift.
  2. Parking and loading for accessory uses shall be in addition to the above requirements and shall be provided as required by §295-221. of this chapter.
- C. All utility lines shall be located underground. Any required above-ground structures shall be screened from adjoining properties and road rights of way. Screening shall consist of a fully landscaped buffer.
- D. All development in this district shall be served by public water and sewer.
- E. Pedestrian Design Standards.
1. Sidewalks are required along all exterior or perimeter road frontages, and along all interior streets and accessways.
  2. Pedestrian connections shall be provided to all front building areas, parking areas, and other pedestrian destination points.
  3. Whenever possible, sidewalks shall connect to existing sidewalks on abutting properties and other nearby pedestrian destination points and transit stops.
  4. Walking trails shall be incorporated into the common open space area and shall be available for use by the general public.
- F. Landscaping. Any application for development in this district shall be accompanied by a landscape plan prepared by a registered landscape architect. In addition to all requirements of the Subdivision and Land Development Ordinance, the plan shall include a landscaped buffer with a minimum width of 25' along the entire perimeter of the tract. All existing trees greater than 6" in caliper shall be identified and preserved to the maximum practicable extent.
- G. Lighting. All exterior lighting shall be designed to prevent glare onto adjacent properties. Pedestrian pathways shall be clearly marked and well lit. Lighting shall be sufficient for security and identification purposes, and shall be shielded so the source of light is not visible. Illumination onto existing residentially used areas shall at no time exceed 0.5 footcandle at the property line. The height of fixtures shall be a maximum of 20 feet for parking lots and 16 feet for pedestrian walkways.
- H. Refuse, Service, and Loading Areas. Areas provided for refuse storage, service, and loading must be located to the side or rear of buildings and be visually screened from streets and pedestrian ways with landscaped buffers, privacy fencing and/or walls, sufficient to provide year-round separation.

I. Architectural Guidelines.

1. All buildings shall be designed with a single unifying architectural theme which shall reflect and enhance the visual and historic character of the area.
2. The use of dormers, cupolas, bay windows, offsets, chimneys, balconies, and other architectural details is encouraged and shall be included where appropriate.
3. Exterior wall and detail materials are to be brick, stone (natural or manmade), stucco, wood or other approved materials on at least 75% of all building facades. Blank or windowless walls are not permitted. Building facades which face residentially zoned properties or properties with a predominately residential character shall be designed to complement those uses.
4. As part of the special exception application, the applicant shall provide architectural renderings of all proposed buildings along with samples of the actual materials to be used. The applicant shall also provide graphic representations showing the relationship between the proposed development and structures in the surrounding area.

J. Preservation of Historic Resources.

1. Historic resources within the Township shall be identified and preserved as a part of the development plan, in a manner acceptable to the Board of Commissioners.
2. When a historic resource is preserved as required by this Article, the area of the historic resource may be counted toward a maximum of 25% of the required open space, and it shall not be counted toward the maximum building or impervious coverage limits.
3. The setting of the historic resource shall be protected by creating a buffer from new construction. At a minimum, the historic resource shall be separated from new development by 50 feet.
4. A historic structure may be used as part of a development under the Age Restricted Overlay District for any permitted use in this district or the underlying zoning district, provided a special exception for such a use is granted by the Zoning Hearing Board and subject to such conditions as are approved by the Zoning Hearing Board. In deciding an application for such a special exception, the Zoning Hearing Board shall duly consider the suitability of the proposed use for the structure, whether the applicant has minimized the impact of the use upon adjoining properties and whether a majority of the purposes of the District, set forth in Section 295-240, will be accomplished.

5. Provisions shall be made to provide continued protection and maintenance of the historic resource, in a form acceptable to the Board of Commissioners and the Township Solicitor.

K. Additional Requirements.

1. A property approved for development in accordance with the provisions of this article shall not be changed from age restricted use unless all requirements of the underlying zoning district are met.
2. An applicant for an age restricted community in this district shall provide at the time of final plan approval proof of deed restrictions or other documentation satisfactory to the Township Solicitor that limits the residential use of the property to those residents who meet the requirements of this Article.
3. All documentation pertaining to the establishment of a homeowners association, condominium association, management or maintenance group, or other similar community association shall be subject to review and approval by the Township Solicitor. Such documentation shall include, in addition to those provisions required by the Township Solicitor, the following items:
  - a. Rules implementing age verification, in accordance with regulations of the United States Department of Housing and Urban Development (the "Department"), as amended, that the units in the housing facility or community are intended and are operated for occupancy by at least one person who is 55 years of age or older.
  - b. Rules implementing verification , in accordance with regulations of the Department, as amended, if any, that at least 90% of the occupied units are occupied by at least one person who is 55 years of age or older.
  - c. A requirement that the housing facility or community publish and adhere to policies and procedures which demonstrate the intent for the facility or community to qualify for the statutory exemption from claims of familial status discrimination.
  - d. Such procedures and policies as are required by the Secretary of the Department for periodic verification of occupancy, as amended, including verification by reliable surveys and affidavits and policies and procedures relevant to a determination of compliance.
  - e. A definition of "occupied unit" identical to the definition in the Departments' regulations, as amended.

**SECTION 3.** Nothing in this Ordinance or in the Code of the Township of Cheltenham shall be construed to affect any suit or proceeding in any Court, and rights acquired or liability incurred, any permit issued or any cause of causes of action existing under the said Code prior to the adoption of this amendment.

**SECTION 4.** The provisions of the Ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of this 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 if such illegal, invalid or unconstitutional section, sentence, clause, part or provisions had not been included herein.

**SECTION 5.** This Ordinance shall take effect and be in force from and after its approval as required by law.

ENACTED into an **ORDINANCE** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**TOWNSHIP OF CHELTENHAM  
BOARD OF COMMISSIONERS**

**BY:** \_\_\_\_\_  
Harvey Portner  
President

**ATTEST:** \_\_\_\_\_  
David G. Kraynik  
Secretary and Township Manager

The Planning Commission ("PC") meeting was held tonight at the Township Administration Building. The following Planning Commission members were present: Messrs. Cross, Gordon, Winneberger, Pransky, Goldfarb, and also present was ex-officio members Laughlin, DiBenedetto and Harrower. Also present was David M. Lynch, P.E., P.L.S. Director of Engineering, Zoning & Inspections, Carmen G. Reitano, Assistant Director of Engineering, Zoning & Inspections and Hannah Mazzaccaro, Montgomery County Planning Commission.

**1. Acceptance of the minutes of the August 22, 2011 Meeting.**

Mr. Cross made a Motion for acceptance of the September 26, 2011 Planning Commission Meeting Minutes; Mr. Winneberger seconded the Motion; the Motion passed.

**2. Review of Zoning Hearing Board Agenda for November 14, 2011.**

**APPEAL NO. 3413:** (Continued) Appeal of Montgomery Court Realty Co., L.P., owner of premises known as 7803 Montgomery Avenue, Elkins Park, PA 19027, from the Decision of the Zoning Officer in order to operate a Private Ambulance Service from the premises

a. A Determination that the storage of Private Ambulance on the premises overnight is not a function of the operation of a Private Ambulance Service and thus permitted as a legal nonconforming use of the premises per the grant of relief under ZHB Appeal No. 1563.

b. In the alternative to a, above, a Determination, pursuant to "Nonconforming Uses" as outlined in CCS 295-227.F., that the operation of a Private Ambulance Service is of the same class of use as the previously approved nonconforming use(s) and thus permissible.

c. In the alternative to a. and b., above, a Variance from the Rules and Regulations of the Class R-5 Residence District as outlined in CCS 295-43. for the operation of a Private Ambulance Service instead of one of the enumerated permitted uses.

No one was present for this application.

Mr. Leighton stated that one morning around 5:10 AM he witnessed an ambulance backing into a bay of the garage. Mr. Leighton further stated that he noticed that when the ambulance backed up the backup warning signal was extremely loud and he could hear it in his car with all of the windows up. Mr. Leighton stated that the neighbors must also hear this as well and is concerned about the early morning disturbance.

Mr. Winneberger suggested adding a new condition to the previous conditions preventing the ambulances from backing up into the bays at such an early hour.

Mr. Cross made a motion to reaffirm the previous Motion of No Action with the following conditions:

- Non emergency transport only.
- No sirens at any time.
- Garage door down at all times except to move vehicles in and out.
- Ambulances can make one trip in and one trip out each day.
- No maintenance or repair to be done on site.
- No parking on sidewalk or the street.
- No other functions of private ambulance business to be performed on property.
- Vehicles shall be required to back into holding facility in the evening to avoid noise occurrences in early morning hours.

Mr. Winneberger seconded the Motion; the Motion passed.

**3. Review of Cheltenham Development Application No. 11-0570: Record Plan Cheltenham Hook and Ladder Company No. 1 Site Improvements- 413 Ryers Avenue.**

Tim Shuck, President of the Cheltenham Hook & Ladder Co. No. 1 was present to discuss the application.

Mr. Schuck stated that the fire company needs more room for additional temporary lodging for volunteers that are called to emergencies and have to go to their jobs the next morning. Mr. Schuck also stated that they would put some administrative offices in the space as well.

Mr. Schuck stated that the Fire Company owns the twin to the north and they currently use the front portion of the property. Discussion ensued regarding specifics on the presented site plan.

Mr. Winneberger made a Motion for Approval; Mr. Gordon seconded the Motion; the Motion passed.

**4. Review of Cheltenham Development Application No. 11-0550: Record Plan School District of Cheltenham- Cheltenham Elementary School Reconstruction-7853 Front Street.**

Mr. Lynch stated that Mr. Harris still hadn't received final approval from the School District and everything was pending until the School District decided.

**5. Review of Cheltenham Development Application No. 11-0560: Record Plan Aldi Food Market Expansion @ Cheltenham Plaza-8200 Ogontz Avenue.**

Mr. Lynch stated that the owner of the property and the applicant are still in discussions regarding removal of the asphalt around the Keystone Billboard Site. The applicant agreed to the conditions but the owner has not.

The applicant has requested a continuance into December until a resolution could be reached.

**6. Old Business**

None

**7. New Business**

Mr. Lynch asked the Committee about how to regulate Wind Turbines. Mr. Cross asked if there was any zoning codes to regulate them. Mr. Lynch stated that so far there isn't and that he has asked the Township Solicitor to take a look at the issue.

Mr. Lynch asked Ms. Mazzaccaro to write up language to add to the Zoning Code for Ad-Hoc review.

**8. Adjournment**

Mr. Cross made a motion for adjournment; Mr. Winneberger seconded the Motion, the Motion passed. The meeting adjourned at 8:18 P.M.



David G. Kraynk  
Township Manager

Per Holly A. Nagy

Township Building  
October 24, 2011

An AdHoc Zoning Code Revision Committee meeting was held this night. Members present were: Messrs. Cohen, Cross, DeBenedetto, Leighton, Harrower, Mirsky, Pransky. Also in attendance were: Mr. David M. Lynch, Director of Engineering, Zoning and Inspections; Mr. Bryan Havir, Assistant Township Manager, and Ms. Hannah Mazzaccaro, Montco Planning Commission Consultant.

## **1. Cheltenham Township Proposed Code Revision Review**

Mr. Lynch pointed out that the Cheltenham Township Zoning Code begins at section 295 and suggested that the numbering stay the same to prevent confusion. Discussion ensued regarding the naming/difference between titles in Code regarding districts.

Discussion ensued regarding measuring from Right of Ways. Mr. Lynch stated that he's always seen it consistently measured one way in all the Zoning Codes he's ever seen.

Mr. Mirsky stated that the distance between districts and distance between parcels are sometimes different things.

Discussion ensued regarding various types of setbacks.

Ms. Mazzaccaro suggested consolidating various districts and suggested striking overlays as they are all considered zoning districts. Mr. Mirsky stated that it makes sense to have the districts separated. Developers can look at it and see what overlays affect their properties.

Ms. Mazzaccaro briefly discussed a proposed Cluster Residential Overlay. Ms. Mazzaccaro stated that clustering residential doesn't work the same way Age Restricted clustering works. The developer doesn't get a density bonus in cluster residential.

## **2. Floodplain Ordinances**

Ms. Mazzaccaro stated that the County is working on modeling ordinances for the changes to the Floodplain

Ms. Mazzaccaro stated that it will be about another 18 months before FEMA adopts the new flood maps.

Mr. Harrower asked that when FEMA changes maps does the Township automatically change maps.

Ms. Mazzaccaro stated that the Township has 6 months to comply with FEMA changes. Ms. Mazzaccaro reminded the committee that it's still 18 months from adoption.

Discussion ensued regarding Township feedback to FEMA. Mr. Lynch stated that there are major hydrology changes from 1972. Mr. Lynch further stated that reevaluation of maps is not just a Cheltenham problem; every municipality affected is struggling with it. Mr. Lynch stated that it's not a simple thing to change hydrology.

Discussion ensued regarding FEMA specifics of flood mapping in zoning.

### **3. Definitions**

Section 107 B Discussion ensued regarding precedence and courts ruling. Mr. Lynch stated that Zoning Decisions do not create precedence.

Legislative Intent- Ms. Mazzaccaro stated that the code has to be inline with the PA Municipalities Code. Ms. Mazzaccaro further stated that the current Zoning Code was developed per the Township Comprehensive Plan.

Mr. Lynch stated that on Page 4 Section A: where the word Lot appears the word Tract should also be inserted.

Discussion ensued regarding primary structure on lots. Mr. Lynch stated that the previous Zoning Hearing Board solicitor stated that there is one principal use allowed on a property.

Mr. Cohen stated that the words primary & principal are being interchanged and stated that there needs to be a more specific definition on both.

Mr. Lynch asked Ms. Mazzaccaro if apartments and hotels are considered the same as a boarding house. Ms. Mazzaccaro stated that she didn't add a definition for a boarding house as they are not allowed in Cheltenham Township.

Discussion ensued regarding singular and plural uses with a statement of intent. Ms. Mazzaccaro stated that it's currently not in the code right now.

Mr. Cross stated that he is troubled by the singular could be plural and plural could be singular form of thought. Mr. Cross stated that he felt like such a clause could really do harm.

Mr. Lynch disagrees and stated that he feels the clause could do a lot of good. It's trying to present a verbal shortcut in the code. Without it the code would have to specify building, buildings and or structure through out the code.

Ms. Mazzaccaro discussed the Use Regulation Section.

Mr. Lynch stated that on page 5 the language about basements makes a lot of sense except the word cellar. Mr. Lynch stated that a cellar is considered more than 50 % below grade and in the old code you cannot have habitable space in cellar. Mr. Lynch suggested striking the reference to cellar. Ms. Mazzaccaro is in agreement.

Discussion ensued regarding floor area and parking calculations. Mr. Lynch stated that this only comes into play in some commercial projects. Mr. Lynch stated that the floor area is only important for determining parking requirements.

Discussion ensued regarding Billboards. Mr. Lynch asked where the measurement 24' came from. Ms. Mazzaccaro stated that the section existed prior to the sign ordinance being discussed. Ms. Mazzaccaro stated that the sign discussion is a discussion that should be had with the Township Solicitor.

#### **4. Adjournment**

Meeting adjourned 7:30 PM



David G. Kravnik  
Township Manager

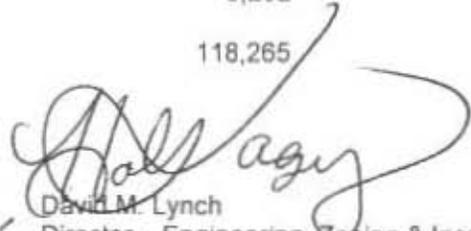
Per: Holly Nagy

October 28, 2011

COMMISSIONERS OF CHELTENHAM TOWNSHIP  
ELKINS PARK, PA 19027

REPORT OF THE BUILDING INSPECTOR FOR OCTOBER, 2011

	#	COST OF PERMIT	VALUE
<b>RESIDENTIAL</b>			
Renovations/Alterations	37	11,175	423,000
<b>MULTI-FAMILY</b>			
Renovations/Alterations	3	6,600	132,000
<b>COMMERCIAL</b>			
Renovations/Alterations	3	90	1,800
<b>INSTITUTIONAL</b>			
Renovations/Alterations	1	3,375	67,500
<b>FENCE</b>	2	170	170
<b>OCTOBER 2011</b>	46	21,410	624,970
<b>OCTOBER 2010</b>	41	10,884	494,282
<b>TOTAL TO DATE 2011</b>	325	85,820	3,271,692
<b>TOTAL 2010</b>	424	272,993	13,868,965
<b>HEATING &amp; AIR CONDITIONING</b>			
<b>OCTOBER 2011</b>	7	2,383	47,600
<b>OCTOBER 2010</b>	2	238	10,000
<b>YEAR TO DATE 2011</b>	50	9,753	380,800
<b>TOTAL 2010</b>	56	33,578	1,613,000
<b>ELECTRICAL</b>			
<b>OCTOBER 2011</b>	16	1,340	26,800
<b>OCTOBER 2010</b>	8	572	21,000
<b>TOTAL TO DATE 2011</b>	96	9,252	322,252
<b>TOTAL 2010</b>	128	118,265	4,225,950

  
David M. Lynch  
Director - Engineering, Zoning & Inspections

*for*

## **BUILDING AND ZONING COMMITTEE**

### **AGENDA**

**WEDNESDAY, NOVEMBER 2, 2011**

**8:15 P.M.**

**CURTIS HALL IN CURTIS ARBORETUM  
CHURCH ROAD AND GREENWOOD AVENUE**

**MICHAEL J. SWAVOLA – CHAIRMAN  
ART HAYWOOD – VICE CHAIRMAN  
KATHY A. HAMPTON - MEMBER  
CHARLES D. MC KEOWN – MEMBER  
J. ANDREW SHARKEY – MEMBER  
MORTON J. SIMON, JR. – MEMBER  
HARVEY PORTNER – EX-OFFICIO MEMBER**

1. Review of the Zoning Hearing Board Agenda for November 14, 2011; see attached.
2. Continued Review of the Proposed Age Restricted Overlay District Ordinance; see attached.
3. Review of the minutes for the Planning Commission meeting of October 24, 2011; see attached.
4. Review of the minutes for the Ad-Hoc Committee meeting of October 24, 2011; see attached.
5. Review of Recent Decision(s) of the Zoning Hearing Board.
6. Report of the Building Inspector for October 2011. See attached.
7. Old Business
8. New Business
9. Citizens' Forum
10. Adjournment



David G. Kraynik  
Township Manager

**ZONING HEARING BOARD**

**AGENDA**

**FOR**

**NOVEMBER 14, 2011**

## NOTICE

NOTICE IS HEREBY GIVEN that an application for Zoning Relief for 7803 Montgomery Avenue, Elkins Park, PA 19027 will be reviewed by the following Township Bodies which will offer recommendations to the Zoning Hearing Board:

- a. Cheltenham Township Planning Commission on Monday, October 24, 2011 at 7:30 PM at the Township Administration Building Boardroom 8230 Old York Rd, Elkins Park PA 19027
- b. Cheltenham Township Building and Zoning Committee on Wednesday, November 2, 2011 at 8:15 P.M. at Curtis Hall, at Curtis Hall, at Curtis Arboretum, Greenwood Avenue and Church Road, Wyncote, PA 19095.

This application will be heard by the Zoning Hearing Board on Monday, November 14, 2011 at 7:30 P.M. at Curtis Hall, at Curtis Arboretum, Greenwood Avenue and Church Road, Wyncote, PA 19095.

APPEAL NO. 3413: (Continued) Appeal of Montgomery Court Realty Co., L.P., owner of premises known as 7803 Montgomery Avenue, Elkins Park, PA 19027, from the Decision of the Zoning Officer in order to operate a Private Ambulance Service from the premises

- a. A Determination that the storage of Private Ambulance on the premises overnight is not a function of the operation of a Private Ambulance Service and thus permitted as a legal nonconforming use of the premises per the grant of relief under ZHB Appeal No. 1563.
- b. In the alternative to a, above, a Determination, pursuant to "Nonconforming Uses" as outlined in CCS 295-227.F., that the operation of a Private Ambulance Service is of the same class of use as the previously approved nonconforming use(s) and thus permissible.
- c. In the alternative to a. and b., above, a Variance from the Rules and Regulations of the Class R-5 Residence District as outlined in CCS 295-43. for the operation of a Private Ambulance Service instead of one of the enumerated permitted uses.

The above application, including site plans, is on file in the Township Administration Building, Building and Zoning Department, Room 204, 8230 Old York Road, Elkins Park, PA, 19027 and are open for review, Monday thru Friday, 8:00 AM to 4:30 PM.

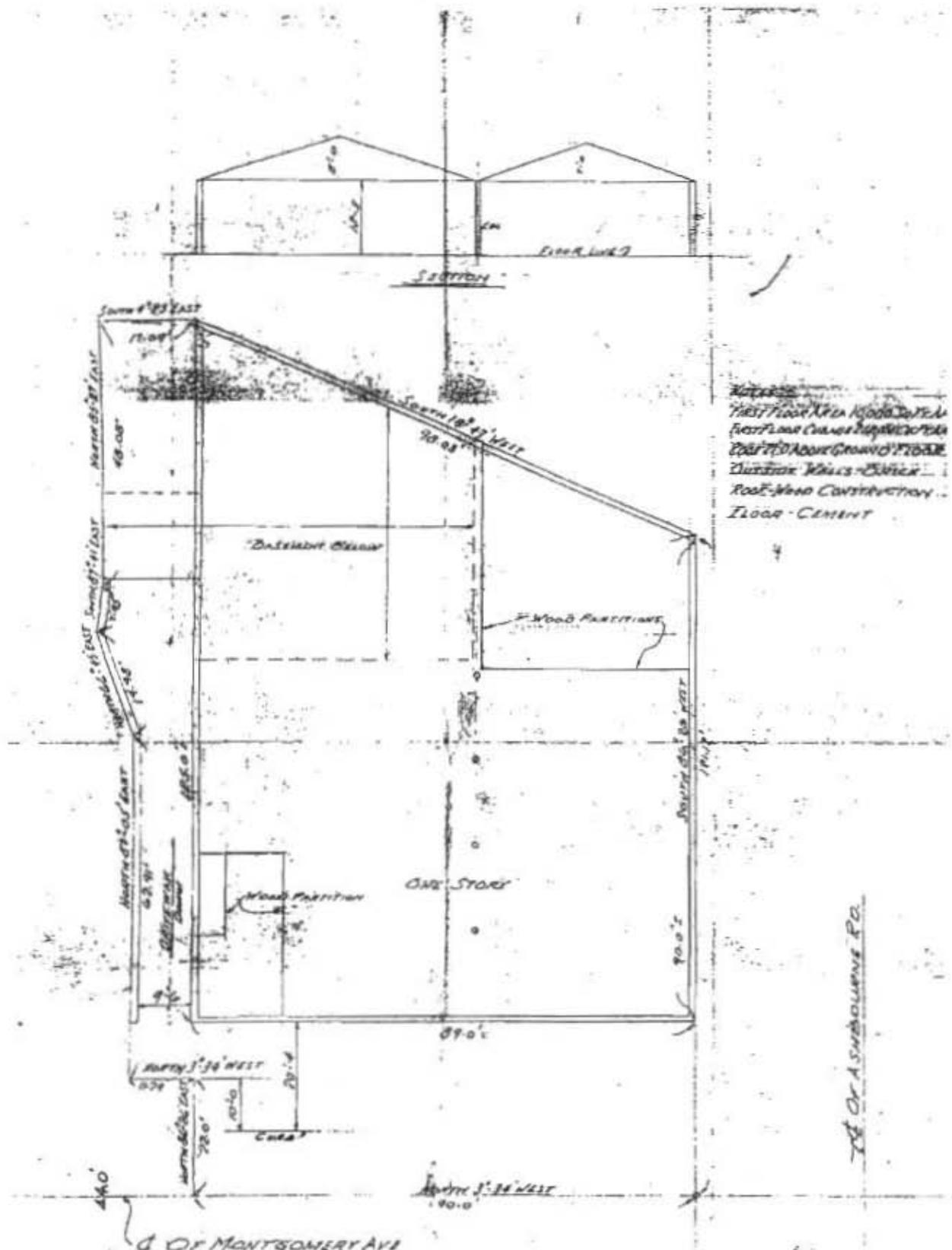
Any person or persons with a disability requiring a special accommodation to participate in the meeting should notify Nancy K. Gibson at 215-887-1000 at least 5 work days prior to the meeting.

7803 MONTGOMERY



24B 3413-4

CHELTON TOWNSHIP  
 REAL ESTATE REGISTRY  
**BLOCK 42**  
 SCALE 1" = 40'  
 MAP 1, 1928



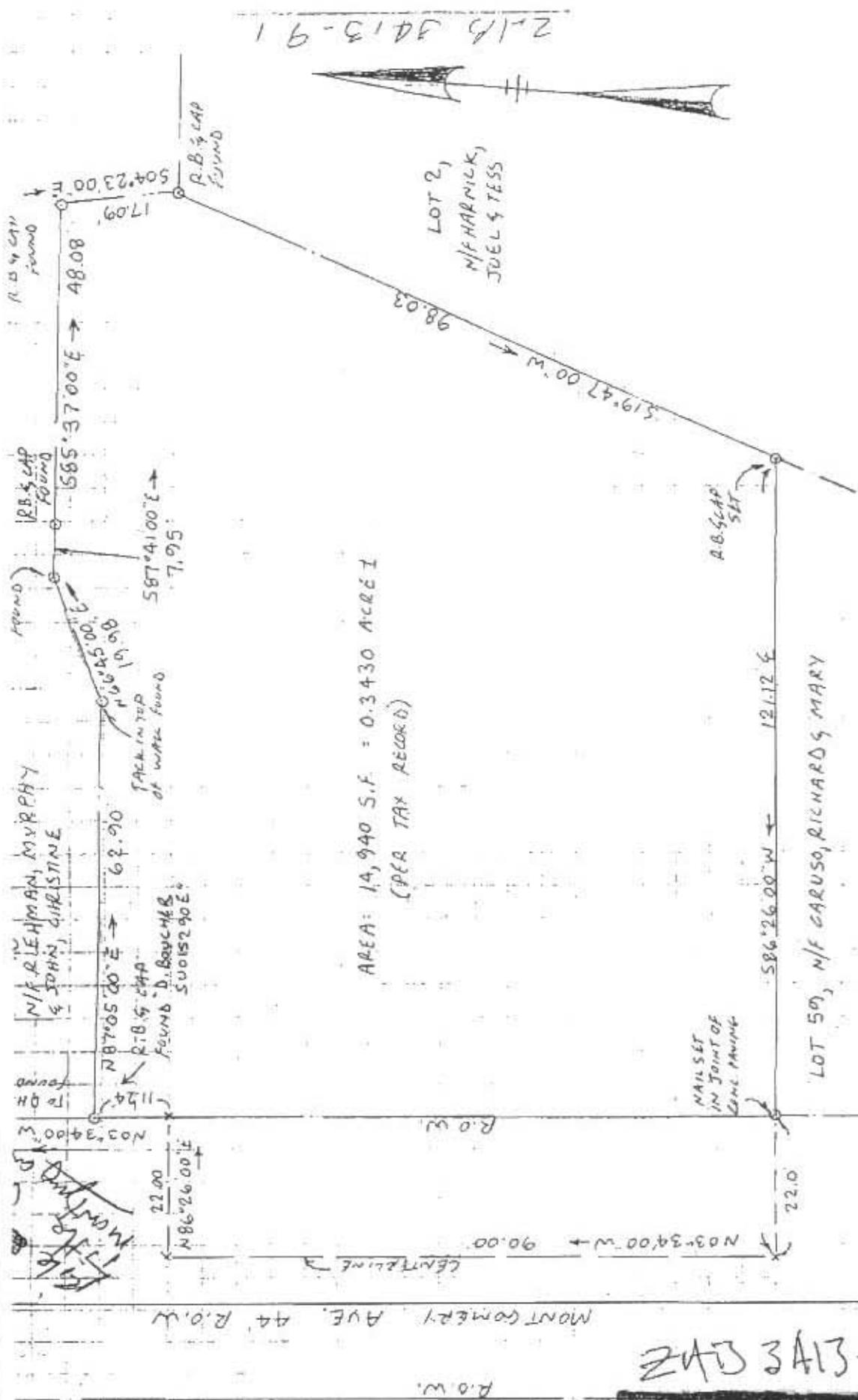
NOTES  
 FIRST FLOOR AREA WOOD JOIST  
 FIRST FLOOR CEILING REPAIRS TO BE  
 DONE TO ABOVE GRADE FLOOR  
 CLUSTERS WALLS - CONCRETE  
 ROOF - WOOD CONSTRUCTION  
 FLOOR - CEMENT

Q OF A SHAWLONE RD

PLOT PLAN  
 7003-Q OF MONTGOMERY AVE.  
 ELKINS PARK, PA  
 SCALE 1/8" = 1'-0"  
 JAN. 25, 1987

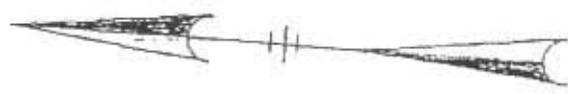
21B 34.3-8

HOSENGARTEN & KRUMHOLTZ  
 ARCHITECTS P.C. ENGINEERS



AREA: 14,940 S.F. = 0.3430 ACRES  
(PER TAX RECORD)

218 JA 13-91



LOT 2,  
N/F HARMILK,  
JUEL & TESS

### Bear Gully Survey Company

FREE PRICE QUOTE - Mon.-Sat. 7 AM - 9 PM  
CALL 215-280-3520 or 215-776-4168

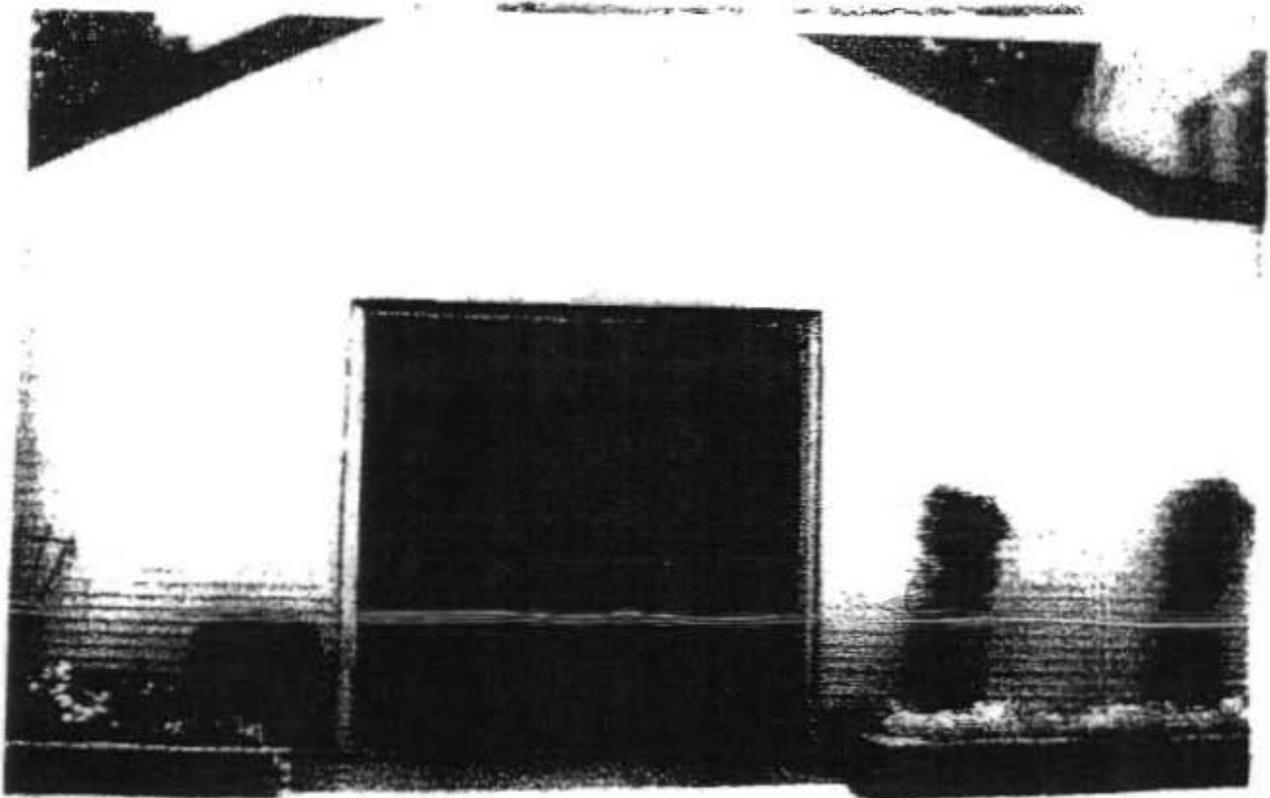
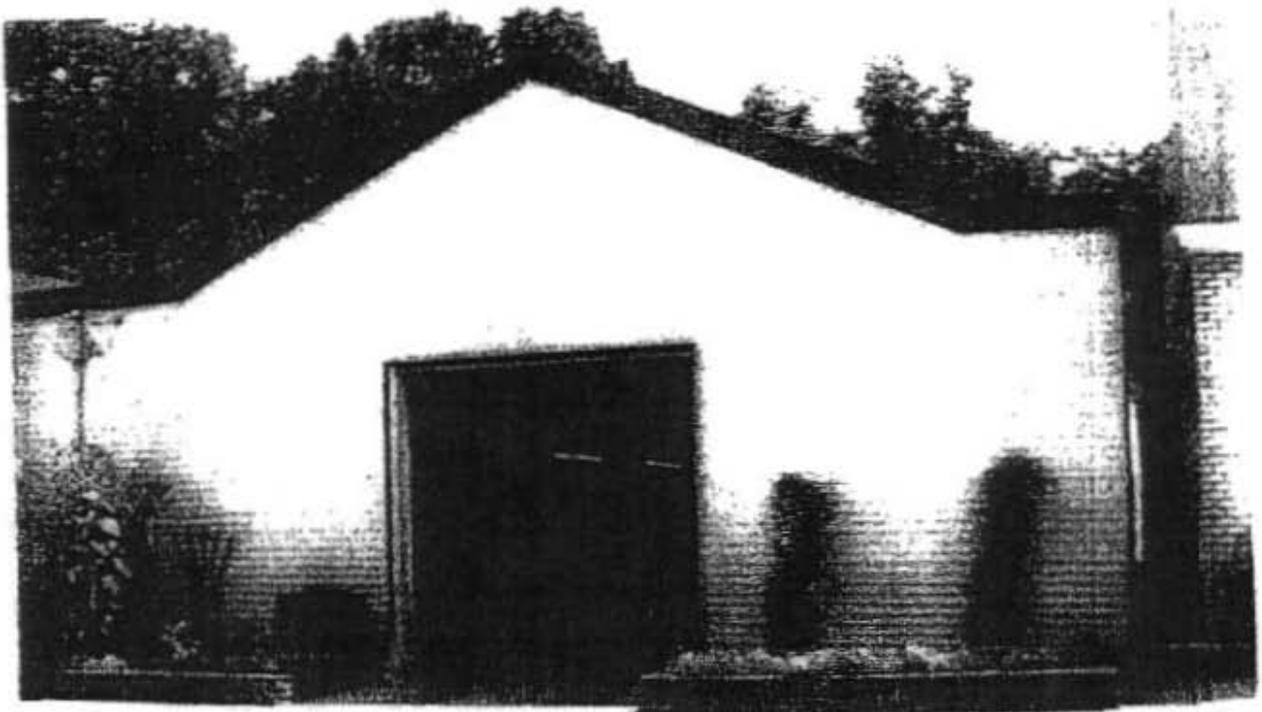
- Owner Stephen P. Bryant, P.L.S.
- Serving Berks, Montgomery, Delaware and Chester Counties
- Land Boundary & Plan SWS & Up
- Flood Certificates
- Pennsylvania Licensed

4323 Marple Street • Philadelphia, PA 19136-2630

PLAN OF LAND SURVEY FOR
MONTGOMERY COURT REALTY CO. L.P.
BLOCK 42, LOT 17
CHELTENHAM, TWP.
MONTGOMERY CO.
PENNSYLVANIA
SCALE 1" = 20'
DATE 4-8-2008

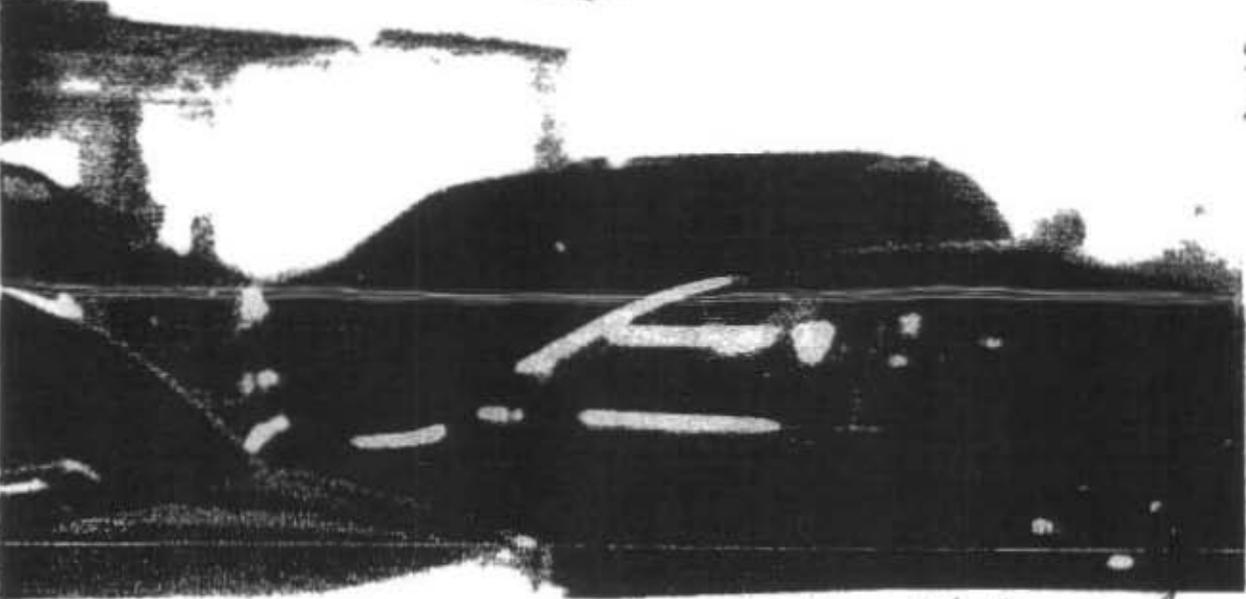
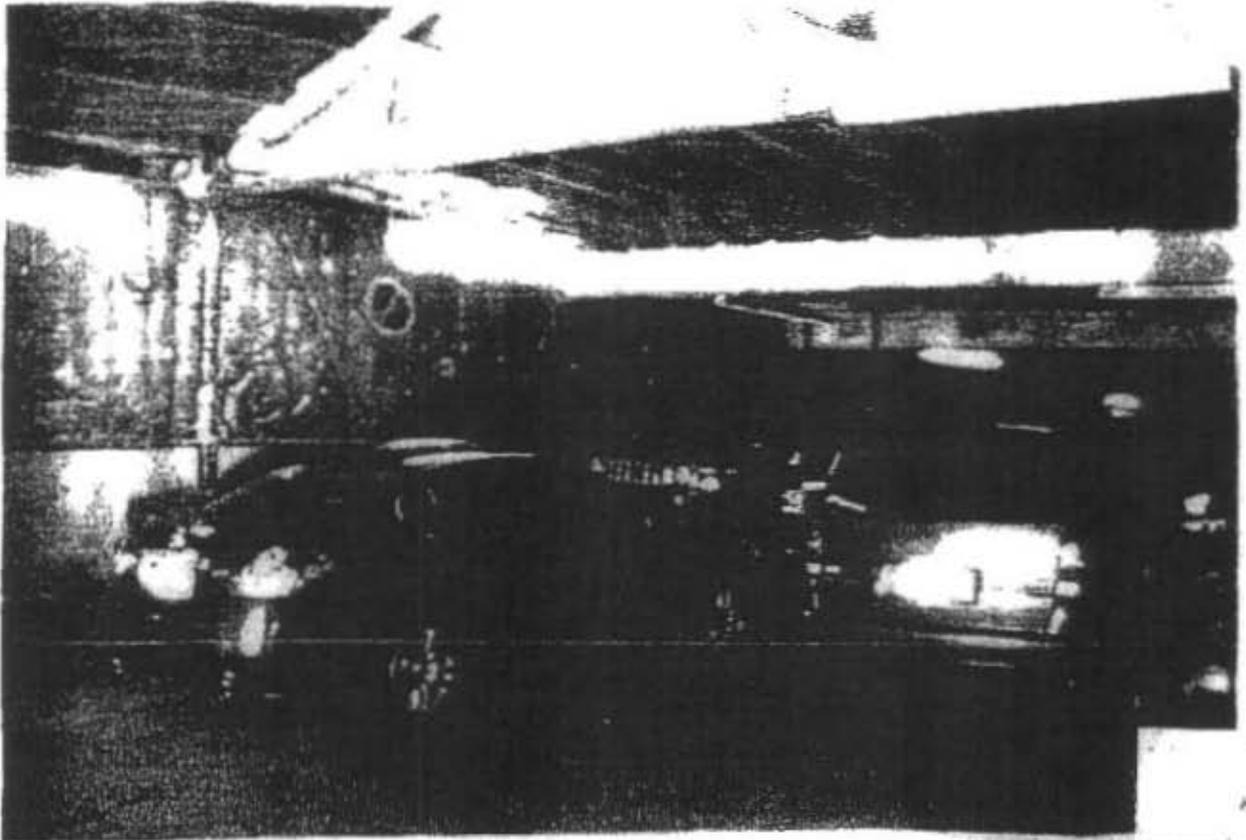
*Handwritten signature and notes:*  
N 15° 50' 20" E 100.00' W  
N 86° 26' 00" W 121.12'

19-218-91



← Afternoon of 22.10.1

2413 3413-10.1



\* Approximately 1:00 p.m.

2.13 3413-104

**KENNETH AMEY, AICP**  
professional land planner

October 28, 2011

David G. Kraynik, Township Manager  
CHELTENHAM TOWNSHIP  
8230 Old York Road  
Elkins Park, PA 19027

Re: Age Restricted Overlay District  
Proposed Amendment to Zoning Ordinance

Dear Mr. Kraynik:

I have received and reviewed the September 16, 2011 Montgomery County Planning Commission letter concerning the proposed Age Restricted Overlay District. I have also spoken to Hannah Mazzaccaro, AICP, who prepared the county report. In general the MCPC has given the Township a strong endorsement of the proposed amendment. You have asked me to respond to review comments numbered 3, 4, and 5 on page four of the county letter. My comments follow:

3. Historic Preservation. The Montgomery County Planning Commission suggests that, in addition to the other requirements for preservation of historic structures contained within the AR Overlay, we also allow for the subdivision of historic properties. This is certainly worth considering and it may make preservation more practical and successful. If the Commissioners would like to include this provision, we can add it to the draft ordinance.

4. Development Review Process. This comment proposes adding additional studies to the submission requirements for Age-Restricted Development. The Township presently does not require environmental, fiscal or traffic studies as part of the zoning application process; however, this is information that may help in the decision making process. We could include the requirement in the AR Overlay and consider adding it to other districts in the future.

1122 Old Bethlehem Pike  
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5. Green Buildings. The MCPC recommends that the Township require some level of sustainable design standards to the ordinance. My only concern with this suggestion is that LEED Certification can add substantially to construction cost. On the other hand, "Energy Star" certification can be achieved for a more modest cost. If the Commissioners would like to encourage sustainable design, this overlay district would be a good place to start.

I look forward to discussing these comments with the Board of Commissioners at their Building & Zoning meeting on November 2, 2011. In the meantime, if you or the Commissioners have any questions, please let me know.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ken Amey". The signature is written in a cursive, somewhat stylized font.

Kenneth Amey



## MONTGOMERY COUNTY PLANNING COMMISSION

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September 16, 2011

Mr. David Kraynik, Manager  
Cheltenham Township  
8230 Old York Road  
Elkins Park, PA 19027

Re: MCPC #07-390-003  
Zoning Ordinance Text Amendments  
Establish an Age Restricted Overlay District

Dear Mr. Kraynik:

We have reviewed the above-referenced zoning ordinance amendment in accordance with Section 609 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on August 12, 2010. We forward this letter as a report of our review and recommendations.

### **Background & Ordinance Summary**

The Township is proposing to enact a new Article XXXIII, Age-Restricted Overlay District, to replace the district of the same name that was originally adopted by the Township in 2008 and then repealed in July 2010.

The following summarizes the key components of the proposed ordinance:

1. **Purpose.** The district is intended to "provide accommodation for age-restricted housing developments" "tailored to the needs of residents 55 years and older," and to promote pedestrian-friendly design, while also encouraging preservation of surrounding neighborhood character and natural features.
2. **Overlay.** The proposed district would function as an overlay, permitted by special exception, on all parcels 5 acres and greater within a Residential, Institutional, or C-1 Commercial zoning district that meet a minimum length of frontage on a state road.
3. **Use Regulations.** The following uses are permitted within the overlay by special exception (with approval of the Zoning Hearing Board): age restricted housing; accessory retail, personal services, and professional offices (not to exceed 5% of the tract); and other accessory uses customarily incidental to an age-restricted community.
4. **Performance Standards.** Developments shall comply with the following:
  - a. All buildings and parking must be set back at least 100 feet from perimeter roadway frontage.

- b. When adjacent to a single-family detached or attached use, buildings must be set back at least 75 feet and parking must be set back at least 50 feet.
  - c. When adjacent to any other use, buildings must be set back at least 50 feet and parking must be set back at least 25 feet from the parcel boundary.
  - d. Housing types permitted in an approved overlay area are: single-family and two-family homes (detached, semi-detached, and attached), including townhouses, up to three stories; and apartment buildings up to 8 stories and 96 feet.
  - e. Density is capped at 8 du/acre for all single-family and two-family homes (detached, semi-detached, and attached); apartment buildings are permitted a density of up to 20 units per acre, depending on the height of the building; total tract development is capped at 300 units total, regardless of tract size or building type.
  - f. Developments are permitted up to 20% building coverage and 45% impervious, except that allowable coverages are reduced incrementally based on building height, to 10% building coverage and 30% impervious coverage for an 8 story building.
  - g. Maximum permitted building length is 160'.
  - h. At least 50% of the total tract must be preserved as common open space. All of the non-developable land and at least 20% of the developable land area must be preserved as common open space, which means these areas (including steep slopes, riparian buffers, wetlands, etc.) cannot be lotted for single ownership or developed in any way.
  - i. Open spaces can be offered to the Township, deeded to a non-profit conservation organization, or maintained by a homeowner association. The open space shall be maintained according to a Township-approved maintenance plan and deed-restricted (if not owned by the Township).
  - j. The ordinance establishes a minimum 100' Riparian Buffer and defines the buffer.
5. Development Requirements. Developments shall comply with the following:
- a. Developer must submit a phased Master Plan prior to any approval being granted.
  - b. Parking. 1.5 spaces per unit (consistent with requirement for multi-family housing in the township) plus one guest space for every 5 units, plus one space per employee on the largest shift. Accessory uses shall be parked according to the requirements in the Parking and Loading chapter of the Zoning Code.
  - c. Utilities. All utilities must be underground and above-ground structures shall be screened. AR developments must be served by public water and sewer.
  - d. Sidewalks are required along all road frontages and linking all areas of the development. Walking trails are required in the open space and must be open to the public.
  - e. Landscaping. A plan must be submitted, following township requirements, and a landscaped buffer must be planted at a depth of 25' along the entire perimeter of the tract.

- f. Lighting must not trespass onto adjacent properties.
  - g. Trash and loading areas must be hidden and screened.
  - h. Building Design. Buildings must have a unifying architectural theme; architectural details are encouraged (not required); blank walls are not permitted; applicant must submit architectural renderings, material samples, and photos of the surrounding neighborhood for comparison, to Zoning Hearing Board as part of the Special Exception hearing.
  - i. Historic Preservation. Identified historic resources shall be preserved "in a manner acceptable to the Board of Commissioners." Up to one quarter of the required open space for a tract can be satisfied with the area of the historic resource, presumably including the building and impervious areas, and those building and impervious coverages will not count toward the building and impervious coverage calculations for the development. The historic resource will have a buffer of at least 50' from any new development areas. A historic building can be used as part of the AR use (for example as a residential use or as a clubhouse or other AR community amenity.)
6. Additional Requirements. Additionally, AR developments must: be deed-restricted as an age-restricted use; be developed as an age-restricted use or submit new plans meeting the requirements of the underlying zoning; provide all necessary documentation to maintain a legal age-restricted housing use, to the satisfaction of the Township Solicitor.

### Review Comments

We offer the following comments for your consideration:

1. *Location of the AR Overlay*. The proposed AR Overlay could be applied to more than 60 parcels in the Township; however, fewer than ten of those parcels currently have developable land area and are not already in full use by an institution or as a commercial center. In the future, the Township may want to consider adding more location options to encourage age-restricted buildings and developments in areas adjacent to train stations, religious institutions, shopping centers, and medical centers. The 2006 Township Comprehensive Plan recommends that age-targeted housing be located in multi-family, office and mixed-use districts, in walkable areas that are accessible by public transportation and close to services and conveniences for seniors.
2. *Performance and Development Standards*. The proposed ordinance is an improvement over the previous AR Overlay District in many important ways. It would require more open space than the repealed version of the ordinance, permit less developed area, tie density to building type and height using a sliding scale, and require more open space for taller buildings. It also appears to prohibit any lotting or development of environmentally constrained lands, including steep slopes, floodplains, and wetlands, and requires a 100 foot riparian buffer along streams.

In addition, the proposed changes would require a 25' deep landscaped buffer around the entire perimeter of the development tract, require sidewalks along all streets and connecting all buildings, and require walking trails through the required open space, which are required to be open to the public. The open space would have to be deed restricted from further development, and the Township would have to approve a maintain plan for the open space.

We support all of these changes to the ordinance as they will help protect natural resource areas, limit areas of development and disturbance, and provide amenities, connections, and buffering to the benefit of both the residents of the proposed community and the surrounding neighborhoods.

3. *Historic Preservation.* The previous version of the AR Overlay ordinance did not require preservation of existing historic resources on properties proposed for development, and seemed to conflict with the Preservation Overlay District, which also applies to all developments greater than 5 acres. The Township has recently revised the Historic Preservation overlay ordinance (not yet adopted), which will provide a mechanism for review and preservation of scattered sites identified in the Township's historic resource survey. Some of those resources are located on properties that could be developed under the AR Overlay zoning. The proposed ordinance requires preservation of historic resources, and provides requirements for setbacks, use, and maintenance of historic structures located within AR Overlay developments. We applaud the addition of these safeguards and note that these requirements are consistent with the Township's planning goals.

The only concern we have is that in some cases, it may be best to have a structure subdivided and sold off on its own lot, rather than have it remain standing (but possibly vacant) as part of a new development. The Township may want to add standards to subdivide off an "estate lot" from the rest of a development in a way that gives some open space credit or bonus to the developer, as an incentive to have the historic property fully preserved, maintained, and inhabited.

4. *Development Review Process.* The proposed ordinance requires that the applicant submit a Master Plan, phasing plan, architectural renderings, photos of the surrounding community, landscaping plan, open space management plan, and all applicable deed restrictions and restrictive covenants, for review by the Township as part of the application for a Special Exception allowing use of the overlay. The Township may want to consider also requiring an Environmental Impact Study, including environmental, fiscal and traffic impact analyses, and requiring the submission of a By-Right Yield Plan for comparison. These studies can help a community gauge what impacts a new development will have, and propose ways to mitigate those impacts in the development review process.
5. *Green Building.* The Township has made a commitment to plan for a sustainable future. Because the proposed district is an Overlay (not the by-right zoning), it is within the Township's rights to require a certain level of building design standards as a condition of approval. We recommend that the Township consider requiring a commitment to "Energy Star" certification and/or a level of LEED certification as part of the AR Overlay requirements. This can be a great selling point for a new community, makes good sense from a property maintenance standpoint, and can provide significant energy-saving and environmental benefits.
6. *Definitions.* The proposed ordinance includes definitions for: Buffer, Building, Building Coverage (defined as "Building Area"), Common Open Space, Floodplain, Steep Slopes, and Street. These are all already defined in the Zoning Code, Subdivision and Land Development Ordinance, and Building Code, with different definitions than what is proposed here. Also, the currently proposed drafts of the Historic Resource Overlay District and Riparian Corridor Conservation District have definitions of "Historic Resource" and riparian buffers that differ

Concern

somewhat from what is in the proposed AR Overlay. The township should resolve these conflicts before making these amendments.

7. *Age-restricted Housing Demand.* Though current economic conditions are particularly challenging for age-restricted housing, our analysis of the township's demographics, income data, and community services show that there will be a long-term demand for age-defined housing in Cheltenham Township. There are high concentrations of persons 55 and older clustered in the township, which is well-located with regard to public transportation, cultural activities, and existing seniors' services and healthcare networks.

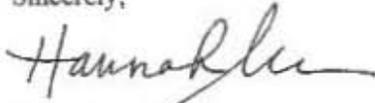
**Recommendation**

We recommend approval of the AR Overlay District provided the suggestions we made are addressed to the satisfaction of the Township.

Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality.

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

Sincerely,



Hannah Mazzaccaro, AICP  
Community Planner  
610-278-3744 hmazzacc@montcopa.org

- c: Harvey Portner, Pres., Township Commissioners  
Thomas Cross, Chrm., Township Planning Commission  
David M. Lynch, P.E., P.L.S., Township Engineer  
Joseph O. Bagley, Esq., Solicitor  
Bryan T. Havir, P.P., AICP, Assistant Township Manager

**CHELTENHAM TOWNSHIP  
ORDINANCE NO. \_\_\_\_ - \_\_**

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF CHELTENHAM, CHAPTER 295, THEREOF, ENTITLED “ZONING”, BY ADDING DEFINITIONS FOR BUFFER, BUILDING, COMMON OPEN SPACE, DEVELOPABLE ACREAGE, BUILDING COVERAGE, HISTORIC RESOURCE, IMPERVIOUS COVERAGE, INTERNAL ACCESSWAY, FLOODPLAIN, STEEP SLOPES, WETLANDS, RIPARIAN BUFFER, RIPARIAN CORRIDOR, AND STREET TO ARTICLE I; AND BY ADDING A NEW ARTICLE XXXIII, ENTITLED “AGE RESTRICTED OVERLAY DISTRICT”**

**SECTION 1.** The Board of Commissioners hereby amends the Code of the Township of Cheltenham, Chapter 295, entitled “Zoning”, by inserting the following definitions in Article I, Section 295-2.C, in alphabetical order:

**BUFFER** – An area designed to separate the land uses which it abuts and to ease the transition between them. A buffer shall be comprised of vegetation arranged to soften and screen the view from one side to another during all seasons of the year. Unless otherwise specified, buffers may be included as part of the required setbacks and yard areas.

**BUILDING** – Any structure having a roof supported by columns, piers, pipes, studs, walls or other building materials located upon the land. A parking structure shall also constitute a building.

**BUILDING COVERAGE** – The ratio of the building area on a lot to the developable acreage of the lot.

**COMMON OPEN SPACE** – An outdoor portion of a development or tract of land that is designed or functions as a recreational area and/or for the preservation of sensitive natural features. Private yards directly adjacent to a residence shall not be considered common open space.

**DEVELOPABLE ACREAGE OR AREA** – The area within the lot lines, except those portions located within the ultimate right-of-way of existing public or private roads, wetlands, floodplains, land continuously covered by water, watercourses, riparian buffers, or slopes 15% or greater.

**FLOODPLAIN** – That area defined in Article XXI of this Chapter as the Floodplain Conservation District(s). The floodplain definition contained therein shall be considered the definition for floodplain for all purposes and uses of this Chapter.

**HISTORIC RESOURCE** – A structure listed in the National Register of Historic Places, the Pennsylvania Historic Resources Survey, the Montgomery County Inventory of Historic and Cultural Resources, the Montgomery County Comprehensive Plan, the Cheltenham Township Comprehensive Plan, the Cheltenham Township Inventory of Cultural Resources, a listing of historic and cultural resources compiled by the Board of Commissioners or Planning Commission, or other appropriate documentation, or a structure seeking listing as a historic resource from any of the above listings. The term historic resource shall also include historic accessory uses.

**IMPERVIOUS COVERAGE** – The ratio of the area of all portions of a lot covered in any way so as not to allow the ground beneath to absorb water at a natural rate, to the developable acreage of the lot.

**INTERNAL ACCESSWAY** – A private roadway or driveway providing access to a property from a public or private street.

**RIPARIAN BUFFER** – An area with a width defined by this Chapter, designed to protect the riparian corridor.

**RIPARIAN CORRIDOR** – Lands adjacent to streams, wetlands, and water bodies.

**STEEP SLOPES and STEEP SLOPE AREA** – An area with slopes of 15% or greater as further defined in Article XXII of this chapter as the Steep Slope Conservation District(s). The steep slope definition contained therein shall be considered the definition for steep slopes and steep slope area for a purposes and uses of this chapter.

**STREET** – A right-of-way, whether municipally or privately owned, serving as a means of vehicular travel, furnishing access to abutting properties and space for sewers and public utilities.

**WETLANDS** – Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances to support, a prevalence of vegetation typically adapter for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

**SECTION 2.** The Board of Commissioners hereby adopts the following as Chapter 295, entitled "Zoning", Article XXXIII, "Age Restricted Overlay District".

**§295-240. PURPOSE.**

The purpose of this district is to provide accommodation for age restricted housing developments by establishing regulations to permit development by special exception, tailored to the needs of residents 55 years of age and older, recognizing their different housing needs and relatively reduced impacts on surrounding land uses; and to require protection and preservation of historic resources in the development of land for age restricted housing, as follows:

- A. By providing a greater variety of housing to serve the needs of older persons who prefer an active and independent residential environment.
- B. By encouraging the preservation of the character of neighborhoods adjacent to the district.
- C. By encouraging the preservation of natural features, such as woodlands, streams and open space by allowing compact development.
- D. By promoting a pedestrian environment and providing a pedestrian orientation of buildings and streets.
- E. To address Sections 603, 604, and 605 of the Pennsylvania Municipalities Planning Code by requiring the protection and preservation of historic resources.

**§295-241. OVERLAY.**

The Age Restricted Overlay District shall be permitted by special exception on all parcels meeting the following criteria:

- A. The tract of land to be developed shall be a minimum of 5 acres in gross area and shall have been held in single and separate ownership before and since the date of adoption of this overlay district. No tract proposed for development under this ordinance shall be subdivided, either during or after the development process.
- B. The tract must be located within a Residential or Institutional Zoning District, or the C-1 Commercial District. The C-2, C-3, and C-4 Commercial and Business Districts; and the G Manufacturing and Industrial Districts are specifically excluded from this overlay district.
- C. The tract must have frontage on a state highway and must take access from that highway. Minimum frontage on a state highway shall be as follows:

1. For parcels between 5 and 8 acres: 450 feet
  2. For parcels greater than 8 and not more than 12 acres: 750 feet
  3. For parcels greater than 12 and not more than 30 acres: 850 feet
  4. For parcels greater than 30 and not more than 60 acres: 900 feet
  5. For parcels greater than 60 acres: 2500 feet
- D. All development under the Age Restricted Overlay District shall comply with the provisions of this Article. If conflict exists between the requirements of this Article and another provision of the Cheltenham Township Zoning Ordinance, the requirements of this Article shall apply.

#### **§295-242. USE REGULATIONS.**

The following uses are permitted in the Age Restricted Overlay District:

- A. Any use permitted in the underlying zoning district, subject to compliance with all provisions of that district.
- B. The following uses are permitted by special exception, subject to the provisions of this Article:
  1. Age restricted housing in accordance with the Federal Fair Housing Act and the standards set forth in this Chapter including, but not limited to, §295-244 K.3.b. An applicant for such a special exception shall demonstrate compliance with Sections 295-243. and 295-244. of this Article as well as the criteria for granting special exceptions provided in Article XXVII.
  2. Retail shops, personal service shops, and professional offices may be permitted as accessory uses within one or more of the principal residential buildings. These uses shall be limited to the first floor only. In addition, such a use(s) may be located in a separate free-standing building(s); however, in that case the total area occupied by such a use(s), including building and parking areas, shall not exceed 5% of the developable acreage of the tract.
  3. Accessory uses customarily incidental to age restricted housing including clubhouse, dining facilities, indoor and outdoor recreational facilities, and maintenance and security facilities.

#### **§295-243. PERFORMANCE STANDARDS.**

- A. Perimeter Setback. (In addition, see setback modifications contained in subsection F.2.)
  1. The minimum building or parking setback from an exterior or perimeter street right-of-way, or a municipal boundary, shall be 100 feet.

2. The minimum building setback from an adjacent property zoned for single family detached or attached use shall be 75 feet. The minimum building setback from property zoned for any other use shall be 50 feet.
3. The minimum parking setback from an adjacent property zoned for single family detached or attached use shall be 50 feet. The minimum parking setback from property zoned for any other use shall be 25 feet. In all cases, driveways shall conform to the parking setback requirement except that portion of the driveway required to make a transverse crossing from the right-of-way to the setback line.

B. Housing Types. The following housing types shall be permitted in the age restricted overlay district:

1. Single family detached dwellings.
2. Single family semi-detached dwellings.
3. Two family detached dwellings.
4. Two family semi-detached dwellings.
5. Townhouses. Within the Age-Restricted Overlay District a row of townhouses shall contain no more than 5 attached units.
6. Midrise Multi-family dwellings. For the purposes of this Article, Midrise Multi-family dwellings shall be defined as multiple dwelling buildings at least 4 stories in height, and no greater than 8 stories or 96 feet in height.

C. Density.

1. The overall density shall not exceed 8 dwelling units per developable acre for single family detached dwellings, single family semi-detached dwellings, two family detached dwellings, two family semi-detached dwellings, or townhouses.
2. The overall density for Midrise Multi-family dwellings shall be as follows:
  - a. 4 or 5 story buildings – 12 units per developable acre
  - b. 6 or 7 story buildings – 15 units per developable acre
  - c. 8 story buildings – 20 units per developable acre
3. In all cases, a single qualifying tract developed under this overlay shall not contain more than 300 total dwelling units.

D. Building coverage.

1. Building coverage shall not exceed 20% of the developable area of the tract.

E. Impervious coverage.

1. Impervious coverage shall not exceed 45% of the developable area of the tract.

F. Maximum building height.

1. Except as provided in subsection F.2., the maximum building height shall be 45 feet, not to exceed three stories.
2. In the case of Midrise Multi-family dwellings, the maximum building height shall be 96 feet, not to exceed 8 stories; however, for every foot or fraction thereof in excess of 45 feet in height, each and every setback requirement shall be increased by 3 feet; and for every story in excess of 3 stories in height, the building coverage limitation shall be reduced by 2% and the impervious coverage limitation by 3%.

G. Building arrangement.

1. The minimum distance between buildings shall be the greater of 30 feet or half the height of the taller building.
2. The maximum building length shall be 160 feet, including angles.
3. Buildings shall be set back a minimum of 25 feet from the cartway of internal accessways. In the case of any internal streets required to be designed with a right-of-way, the 25 foot setback shall be measured from the right-of-way line.

H. Common open space.

1. All development under this Article shall provide not less than 50% of the total area of the tract as common open space. In all instances, all nondevelopable area shall be preserved as common open space, and at least 20% of the developable area shall be included as common open space.
2. Provision shall be made to provide continued protection and maintenance of the common open space so as to insure its preservation. This shall be accomplished in one of the following manners:
  - a. The Township may, but shall not be required to, accept any portion of the common open space by fee simple dedication, provided that:

- 1) There is no cost to the Township; and
  - 2) The Township agrees to and has adequate access to maintain such facilities.
- b. With permission of the Township, and with appropriate deed restrictions in favor of the Township and in language acceptable to the Township Solicitor, the owner may transfer the fee simple title in the common open space or a portion thereof to a private, nonprofit organization among whose purposes is the conservation of open space land and/or natural resources; provided that:
- 1) The organization is acceptable to the Township and is a bona fide conservation organization with a perpetual existence.
  - 2) The conveyance contains appropriate provision for proper retransfer or reverter in the event that the organization becomes unable or unwilling to continue to carry out its functions.
  - 3) A maintenance agreement acceptable to the Township Solicitor is entered into by the developer, organization and Township.
  - 4) A deed restriction is recorded with the office of recorder of deeds for the applicable open space restricting its use as open space only.
- c. The developer may provide for and establish an organization for the ownership and maintenance of the common open space consistent with the requirements for unit owners associations found in the Pennsylvania Uniform Condominium Act, 68 Pa.C.S.A. §3101 et seq. If such an organization is created, the deeds and agreements of sale for the common open space and for all individual lots within the tract shall contain the following requirements in language acceptable to the Township Solicitor:
- 1) Such organization shall not dispose of the common open space by sale or otherwise except to the Township or other governmental body unless the Township has given prior, written approval. Such transfer shall be made only to another organization which shall maintain the common open space in accordance with the provisions of this article.
  - 2) The organization and all lot owners within the development shall agree to be bound by the provisions of §705(f)(2) and (3) of the Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended, 53 P.S. §10705(f)(2) and (3), relating to Township maintenance of deteriorating open space and providing

for the ability of the Township to access and lien the properties within the development.

- 3) All lot owners within the development shall be required to become members of the organization and pay assessments for the maintenance of the common open space which may be increased for inflation and which may provide for professional management; and the organization may lien the lots for nonpayment of maintenance assessments in the same manner as other assessments.
- 4) The Township may require the formation of a reserve fund to cover capital improvements and maintenance to the common open space.
- 5) A deed restriction is recorded with the Office of the Recorder of Deeds for the applicable open space restricting its use as open space only.

I. Riparian buffer.

1. A riparian buffer with a minimum width of 100', or as required by the Riparian Corridor Conservation District, shall be provided along all riparian corridors.

**§295-244. DEVELOPMENT REQUIREMENTS.**

A. Master Plan.

1. The project shall be developed and constructed in accordance with an overall master plan for the site. The master plan shall be submitted as part of any application for approval in this district.
2. The development shall be carried out in phases, with each phase so planned that the requirements and intent of this article for any phase shall be fully complied with at the completion of that phase. For housing types other than midrise multi-family dwellings, the initial phase of development shall contain no more than 10 dwelling units, or 15% of the total number of dwelling units proposed under the master plan, whichever is greater. For midrise multi-family dwellings, the initial phase shall be one building.
3. Prior to the start of construction of the initial phase, financial guarantees shall be posted to ensure the completion of all amenities, including, but not limited to: swimming pools, tennis courts, recreational areas and buildings, community centers, fitness centers, and walking trails, as shown on the master plan.

B. Off-Street Parking and Loading.

1. Parking Spaces – 1.5 spaces per unit, plus one guest space for every 5 units and one space for each employee on the largest shift.
  2. Parking and loading for accessory uses shall be in addition to the above requirements and shall be provided as required by §295-221. of this chapter.
- C. All utility lines shall be located underground. Any required above-ground structures shall be screened from adjoining properties and road rights of way. Screening shall consist of a fully landscaped buffer.
- D. All development in this district shall be served by public water and sewer.
- E. Pedestrian Design Standards.
1. Sidewalks are required along all exterior or perimeter road frontages, and along all interior streets and accessways.
  2. Pedestrian connections shall be provided to all front building areas, parking areas, and other pedestrian destination points.
  3. Whenever possible, sidewalks shall connect to existing sidewalks on abutting properties and other nearby pedestrian destination points and transit stops.
  4. Walking trails shall be incorporated into the common open space area and shall be available for use by the general public.
- F. Landscaping. Any application for development in this district shall be accompanied by a landscape plan prepared by a registered landscape architect. In addition to all requirements of the Subdivision and Land Development Ordinance, the plan shall include a landscaped buffer with a minimum width of 25' along the entire perimeter of the tract. All existing trees greater than 6" in caliper shall be identified and preserved to the maximum practicable extent.
- G. Lighting. All exterior lighting shall be designed to prevent glare onto adjacent properties. Pedestrian pathways shall be clearly marked and well lit. Lighting shall be sufficient for security and identification purposes, and shall be shielded so the source of light is not visible. Illumination onto existing residentially used areas shall at no time exceed 0.5 footcandle at the property line. The height of fixtures shall be a maximum of 20 feet for parking lots and 16 feet for pedestrian walkways.
- H. Refuse, Service, and Loading Areas. Areas provided for refuse storage, service, and loading must be located to the side or rear of buildings and be visually screened from streets and pedestrian ways with landscaped buffers, privacy fencing and/or walls, sufficient to provide year-round separation.

I. Architectural Guidelines.

1. All buildings shall be designed with a single unifying architectural theme which shall reflect and enhance the visual and historic character of the area.
2. The use of dormers, cupolas, bay windows, offsets, chimneys, balconies, and other architectural details is encouraged and shall be included where appropriate.
3. Exterior wall and detail materials are to be brick, stone (natural or manmade), stucco, wood or other approved materials on at least 75% of all building facades. Blank or windowless walls are not permitted. Building facades which face residentially zoned properties or properties with a predominately residential character shall be designed to complement those uses.
4. As part of the special exception application, the applicant shall provide architectural renderings of all proposed buildings along with samples of the actual materials to be used. The applicant shall also provide graphic representations showing the relationship between the proposed development and structures in the surrounding area.

J. Preservation of Historic Resources.

1. Historic resources within the Township shall be identified and preserved as a part of the development plan, in a manner acceptable to the Board of Commissioners.
2. When a historic resource is preserved as required by this Article, the area of the historic resource may be counted toward a maximum of 25% of the required open space, and it shall not be counted toward the maximum building or impervious coverage limits.
3. The setting of the historic resource shall be protected by creating a buffer from new construction. At a minimum, the historic resource shall be separated from new development by 50 feet.
4. A historic structure may be used as part of a development under the Age Restricted Overlay District for any permitted use in this district or the underlying zoning district, provided a special exception for such a use is granted by the Zoning Hearing Board and subject to such conditions as are approved by the Zoning Hearing Board. In deciding an application for such a special exception, the Zoning Hearing Board shall duly consider the suitability of the proposed use for the structure, whether the applicant has minimized the impact of the use upon adjoining properties and whether a majority of the purposes of the District, set forth in Section 295-240, will be accomplished.

5. Provisions shall be made to provide continued protection and maintenance of the historic resource, in a form acceptable to the Board of Commissioners and the Township Solicitor.

K. Additional Requirements.

1. A property approved for development in accordance with the provisions of this article shall not be changed from age restricted use unless all requirements of the underlying zoning district are met.
2. An applicant for an age restricted community in this district shall provide at the time of final plan approval proof of deed restrictions or other documentation satisfactory to the Township Solicitor that limits the residential use of the property to those residents who meet the requirements of this Article.
3. All documentation pertaining to the establishment of a homeowners association, condominium association, management or maintenance group, or other similar community association shall be subject to review and approval by the Township Solicitor. Such documentation shall include, in addition to those provisions required by the Township Solicitor, the following items:
  - a. Rules implementing age verification, in accordance with regulations of the United States Department of Housing and Urban Development (the "Department"), as amended, that the units in the housing facility or community are intended and are operated for occupancy by at least one person who is 55 years of age or older.
  - b. Rules implementing verification, in accordance with regulations of the Department, as amended, if any, that at least 90% of the occupied units are occupied by at least one person who is 55 years of age or older.
  - c. A requirement that the housing facility or community publish and adhere to policies and procedures which demonstrate the intent for the facility or community to qualify for the statutory exemption from claims of familial status discrimination.
  - d. Such procedures and policies as are required by the Secretary of the Department for periodic verification of occupancy, as amended, including verification by reliable surveys and affidavits and policies and procedures relevant to a determination of compliance.
  - e. A definition of "occupied unit" identical to the definition in the Departments' regulations, as amended.

**SECTION 3.** Nothing in this Ordinance or in the Code of the Township of Cheltenham shall be construed to affect any suit or proceeding in any Court, and rights acquired or liability incurred, any permit issued or any cause of causes of action existing under the said Code prior to the adoption of this amendment.

**SECTION 4.** The provisions of the Ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of this 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 if such illegal, invalid or unconstitutional section, sentence, clause, part or provisions had not been included herein.

**SECTION 5.** This Ordinance shall take effect and be in force from and after its approval as required by law.

ENACTED into an **ORDINANCE** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**TOWNSHIP OF CHELTENHAM  
BOARD OF COMMISSIONERS**

**BY:** \_\_\_\_\_  
Harvey Portner  
President

**ATTEST:** \_\_\_\_\_  
David G. Kraynik  
Secretary and Township Manager

The Planning Commission ("PC") meeting was held tonight at the Township Administration Building. The following Planning Commission members were present: Messrs. Cross, Gordon, Winneberger, Pransky, Goldfarb, and also present was ex-officio members Laughlin, DiBenedetto and Harrower. Also present was David M. Lynch, P.E., P.L.S. Director of Engineering, Zoning & Inspections, Carmen G. Reitano, Assistant Director of Engineering, Zoning & Inspections and Hannah Mazzaccaro, Montgomery County Planning Commission.

**1. Acceptance of the minutes of the August 22, 2011 Meeting.**

Mr. Cross made a Motion for acceptance of the September 26, 2011 Planning Commission Meeting Minutes; Mr. Winneberger seconded the Motion; the Motion passed.

**2. Review of Zoning Hearing Board Agenda for November 14, 2011.**

**APPEAL NO. 3413:** (Continued) Appeal of Montgomery Court Realty Co., L.P., owner of premises known as 7803 Montgomery Avenue, Elkins Park, PA 19027, from the Decision of the Zoning Officer in order to operate a Private Ambulance Service from the premises

a. A Determination that the storage of Private Ambulance on the premises overnight is not a function of the operation of a Private Ambulance Service and thus permitted as a legal nonconforming use of the premises per the grant of relief under ZHB Appeal No. 1563.

b. In the alternative to a, above, a Determination, pursuant to "Nonconforming Uses" as outlined in CCS 295-227.F., that the operation of a Private Ambulance Service is of the same class of use as the previously approved nonconforming use(s) and thus permissible.

c. In the alternative to a. and b., above, a Variance from the Rules and Regulations of the Class R-5 Residence District as outlined in CCS 295-43. for the operation of a Private Ambulance Service instead of one of the enumerated permitted uses.

No one was present for this application.

Mr. Leighton stated that one morning around 5:10 AM he witnessed an ambulance backing into a bay of the garage. Mr. Leighton further stated that he noticed that when the ambulance backed up the backup warning signal was extremely loud and he could hear it in his car with all of the windows up. Mr. Leighton stated that the neighbors must also hear this as well and is concerned about the early morning disturbance.

Mr. Winneberger suggested adding a new condition to the previous conditions preventing the ambulances from backing up into the bays at such an early hour.

Mr. Cross made a motion to reaffirm the previous Motion of No Action with the following conditions:

- Non emergency transport only.
- No sirens at any time.
- Garage door down at all times except to move vehicles in and out.
- Ambulances can make one trip in and one trip out each day.
- No maintenance or repair to be done on site.
- No parking on sidewalk or the street.
- No other functions of private ambulance business to be performed on property.
- Vehicles shall be required to back into holding facility in the evening to avoid noise occurrences in early morning hours.

Mr. Winneberger seconded the Motion; the Motion passed.

**3. Review of Cheltenham Development Application No. 11-0570: Record Plan Cheltenham Hook and Ladder Company No. 1 Site Improvements- 413 Ryers Avenue.**

Tim Shuck, President of the Cheltenham Hook & Ladder Co. No. 1 was present to discuss the application.

Mr. Schuck stated that the fire company needs more room for additional temporary lodging for volunteers that are called to emergencies and have to go to their jobs the next morning. Mr. Schuck also stated that they would put some administrative offices in the space as well.

Mr. Schuck stated that the Fire Company owns the twin to the north and they currently use the front portion of the property. Discussion ensued regarding specifics on the presented site plan.

Mr. Winneberger made a Motion for Approval; Mr. Gordon seconded the Motion; the Motion passed.

**4. Review of Cheltenham Development Application No. 11-0550: Record Plan School District of Cheltenham- Cheltenham Elementary School Reconstruction-7853 Front Street.**

Mr. Lynch stated that Mr. Harris still hadn't received final approval from the School District and everything was pending until the School District decided.

**5. Review of Cheltenham Development Application No. 11-0560: Record Plan Aldi Food Market Expansion @ Cheltenham Plaza-8200 Ogontz Avenue.**

Mr. Lynch stated that the owner of the property and the applicant are still in discussions regarding removal of the asphalt around the Keystone Billboard Site. The applicant agreed to the conditions but the owner has not.

The applicant has requested a continuance into December until a resolution could be reached.

**6. Old Business**

None

**7. New Business**

Mr. Lynch asked the Committee about how to regulate Wind Turbines. Mr. Cross asked if there was any zoning codes to regulate them. Mr. Lynch stated that so far there isn't and that he has asked the Township Solicitor to take a look at the issue.

Mr. Lynch asked Ms. Mazzaccaro to write up language to add to the Zoning Code for Ad-Hoc review.

**8. Adjournment**

Mr. Cross made a motion for adjournment; Mr. Winneberger seconded the Motion, the Motion passed. The meeting adjourned at 8:18 P.M.



David G. Kraynik  
Township Manager

Per Holly A. Nagy

Township Building  
October 24, 2011

An AdHoc Zoning Code Revision Committee meeting was held this night. Members present were: Messrs. Cohen, Cross, DeBenedetto, Leighton, Harrower, Mirsky, Pransky. Also in attendance were: Mr. David M. Lynch, Director of Engineering, Zoning and Inspections; Mr. Bryan Havir, Assistant Township Manager, and Ms. Hannah Mazzaccaro, Montco Planning Commission Consultant.

### **1. Cheltenham Township Proposed Code Revision Review**

Mr. Lynch pointed out that the Cheltenham Township Zoning Code begins at section 295 and suggested that the numbering stay the same to prevent confusion. Discussion ensued regarding the naming/difference between titles in Code regarding districts.

Discussion ensued regarding measuring from Right of Ways. Mr. Lynch stated that he's always seen it consistently measured one way in all the Zoning Codes he's ever seen.

Mr. Mirsky stated that the distance between districts and distance between parcels are sometimes different things.

Discussion ensued regarding various types of setbacks.

Ms. Mazzaccaro suggested consolidating various districts and suggested striking overlays as they are all considered zoning districts. Mr. Mirsky stated that it makes sense to have the districts separated. Developers can look at it and see what overlays affect their properties.

Ms. Mazzaccaro briefly discussed a proposed Cluster Residential Overlay. Ms. Mazzaccaro stated that clustering residential doesn't work the same way Age Restricted clustering works. The developer doesn't get a density bonus in cluster residential.

### **2. Floodplain Ordinances**

Ms. Mazzaccaro stated that the County is working on modeling ordinances for the changes to the Floodplain

Ms. Mazzaccaro stated that it will be about another 18 months before FEMA adopts the new flood maps.

Mr. Harrower asked that when FEMA changes maps does the Township automatically change maps.

Ms. Mazzaccaro stated that the Township has 6 months to comply with FEMA changes. Ms. Mazzaccaro reminded the committee that it's still 18 months from adoption.

Discussion ensued regarding Township feedback to FEMA. Mr. Lynch stated that there are major hydrology changes from 1972. Mr. Lynch further stated that reevaluation of maps is not just a Cheltenham problem; every municipality affected is struggling with it. Mr. Lynch stated that it's not a simple thing to change hydrology.

Discussion ensued regarding FEMA specifics of flood mapping in zoning.

### **3. Definitions**

Section 107 B Discussion ensued regarding precedence and courts ruling. Mr. Lynch stated that Zoning Decisions do not create precedence.

Legislative Intent- Ms. Mazzaccaro stated that the code has to be inline with the PA Municipalities Code. Ms. Mazzaccaro further stated that the current Zoning Code was developed per the Township Comprehensive Plan.

Mr. Lynch stated that on Page 4 Section A: where the word Lot appears the word Tract should also be inserted.

Discussion ensued regarding primary structure on lots. Mr. Lynch stated that the previous Zoning Hearing Board solicitor stated that there is one principal use allowed on a property.

Mr. Cohen stated that the words primary & principal are being interchanged and stated that there needs to be a more specific definition on both.

Mr. Lynch asked Ms. Mazzaccaro if apartments and hotels are considered the same as a boarding house. Ms. Mazzaccaro stated that she didn't add a definition for a boarding house as they are not allowed in Cheltenham Township.

Discussion ensued regarding singular and plural uses with a statement of intent. Ms. Mazzaccaro stated that it's currently not in the code right now.

Mr. Cross stated that he is troubled by the singular could be plural and plural could be singular form of thought. Mr. Cross stated that he felt like such a clause could really do harm.

Mr. Lynch disagrees and stated that he feels the clause could do a lot of good. It's trying to present a verbal shortcut in the code. Without it the code would have to specify building, buildings and or structure through out the code.

Ms. Mazzaccaro discussed the Use Regulation Section.

Mr. Lynch stated that on page 5 the language about basements makes a lot of sense except the word cellar. Mr. Lynch stated that a cellar is considered more than 50 % below grade and in the old code you cannot have habitable space in cellar. Mr. Lynch suggested striking the reference to cellar. Ms. Mazzaccaro is in agreement.

Discussion ensued regarding floor area and parking calculations. Mr. Lynch stated that this only comes into play in some commercial projects. Mr. Lynch stated that the floor area is only important for determining parking requirements.

Discussion ensued regarding Billboards. Mr. Lynch asked where the measurement 24' came from. Ms. Mazzaccaro stated that the section existed prior to the sign ordinance being discussed. Ms. Mazzaccaro stated that the sign discussion is a discussion that should be had with the Township Solicitor.

#### 4. Adjournment

Meeting adjourned 7:30 PM



David G. Kraynik  
Township Manager

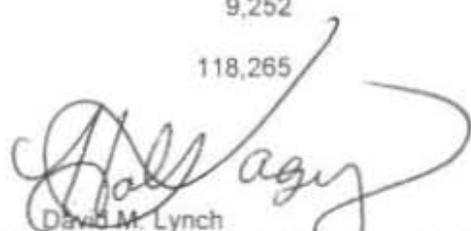
Per: Holly Nagy

October 28, 2011

COMMISSIONERS OF CHELTENHAM TOWNSHIP  
ELKINS PARK, PA 19027

REPORT OF THE BUILDING INSPECTOR FOR OCTOBER, 2011

	#	COST OF PERMIT	VALUE
<b>RESIDENTIAL</b>			
Renovations/Alterations	37	11,175	423,000
<b>MULTI-FAMILY</b>			
Renovations/Alterations	3	6,600	132,000
<b>COMMERCIAL</b>			
Renovations/Alterations	3	90	1,800
<b>INSTITUTIONAL</b>			
Renovations/Alterations	1	3,375	67,500
<b>FENCE</b>	2	170	170
<b>OCTOBER 2011</b>	46	21,410	624,970
<b>OCTOBER 2010</b>	41	10,884	494,282
<b>TOTAL TO DATE 2011</b>	325	85,820	3,271,692
<b>TOTAL 2010</b>	424	272,993	13,868,965
<b>HEATING &amp; AIR CONDITIONING</b>			
<b>OCTOBER 2011</b>	7	2,383	47,600
<b>OCTOBER 2010</b>	2	238	10,000
<b>YEAR TO DATE 2011</b>	50	9,753	380,800
<b>TOTAL 2010</b>	56	33,578	1,613,000
<b>ELECTRICAL</b>			
<b>OCTOBER 2011</b>	16	1,340	26,800
<b>OCTOBER 2010</b>	8	572	21,000
<b>TOTAL TO DATE 2011</b>	96	9,252	322,252
<b>TOTAL 2010</b>	128	118,265	4,225,950

  
for - David M. Lynch  
Director - Engineering, Zoning & Inspections