

BUILDING AND ZONING COMMITTEE

AGENDA

WEDNESDAY, APRIL 4, 2012

8:00 P.M.

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

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

1. Review of the Zoning Hearing Board Agenda for April 9, 2012.
See attached.
2. Review of the Planning Commission Meeting Minutes of March 26, 2012.
See attached.
3. Review of Recent Decision(s) of the Zoning Hearing Board.
4. Report of the Building Inspector for March 2012. See attached.
5. Old Business
6. New Business
7. Citizens' Forum
8. Adjournment



David G. Kraynik
Township Manager

ZONING HEARING BOARD

AGENDA

FOR

APRIL 9, 2012

NOTICE

NOTICE IS HEREBY GIVEN that an application for Zoning Relief for 36 Township Line Road, 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, March 26, 2012 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, April 4, 2012 at 8:00 P.M. 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, April 9, 2012 at 7:30 P.M. at Curtis Hall, at Curtis Arboretum, Greenwood Avenue and Church Road, Wyncote, PA 19095.

APPEAL NO. 3433 Appeal of New Cingular Wireless PCS, LLC, tenant by grant of easement on premises known as 36 Township Line Road, Elkins Park, PA, for the following Zoning Relief for an existing Telecom Facility:

- a. Determination that the modifications to the Telecom Facility are permitted by right in the M-3 district pursuant to Section 295-89.D of the Township Code as a telephone central, public utility building, and otherwise complies with such provisions.
- b. In the alternative, a determination that the modifications to the Telecom Facility are permitted by right pursuant to the operative and pertinent provisions of the Telecom Ordinance set forth in Chapter 271 of the Township Code, and otherwise complies with such provisions
- c. In the alternative a determination that the Telecom Facility is permitted by a validity variance as recognized by the laws of the Commonwealth of Pennsylvania.
- d. A determination that the Telecom Facility is a valid, non-conforming use of the Property, established prior to the adoption of the Telecom Ordinance. Pursuant to Section 295-227.C., a valid, non-conforming use may be extended throughout the premises (i.e., Area of the First Easement and Second Easement as applies to this Application).
- e. A determination that upgrades to the Telecom Facility are authorized on the Property pursuant to federal law, including the Pole Attachment Act 47 U.S.C. Section 224; the Telecommunications Act of 1996, 47 U.S.C. Section 253 (dealing with removal of barriers to entry) and Section 332 (dealing with regulation of mobile services) and the Middle Class Tax Relief and Jobs Creation Act of 2012, Section 6409 (dealing with modifications to existing facilities).
- f. Applicant also applies for such other interpretations, waivers and/or variances as may ultimately be required.

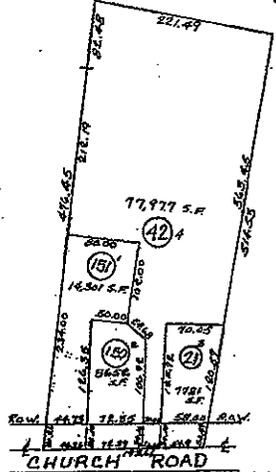
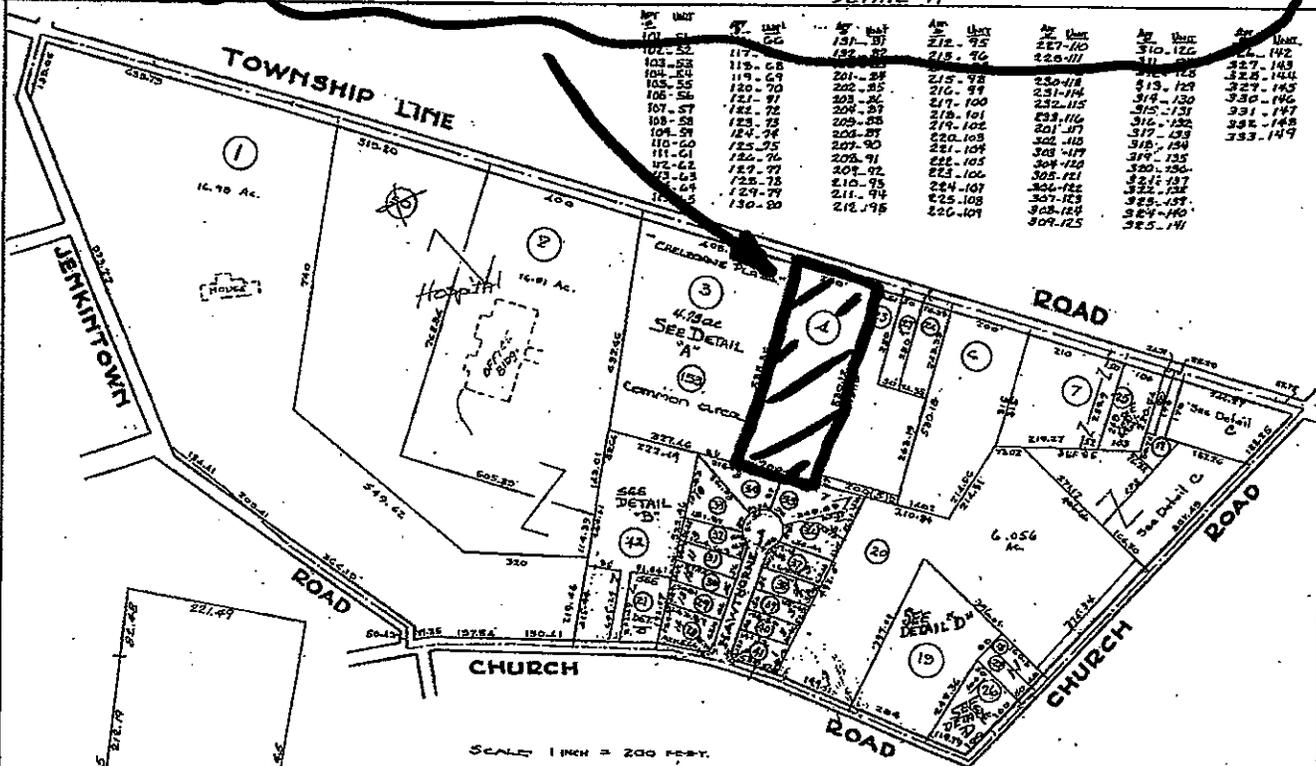
The above application, including site plans, is on file in the Township Administration Building, Building and Zoning Department, Room 204, 8230 Old York Road, Elkins Park, PA, 19027 and are open for review, Monday thru Friday, 8:00 AM to 4:30 PM.

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.

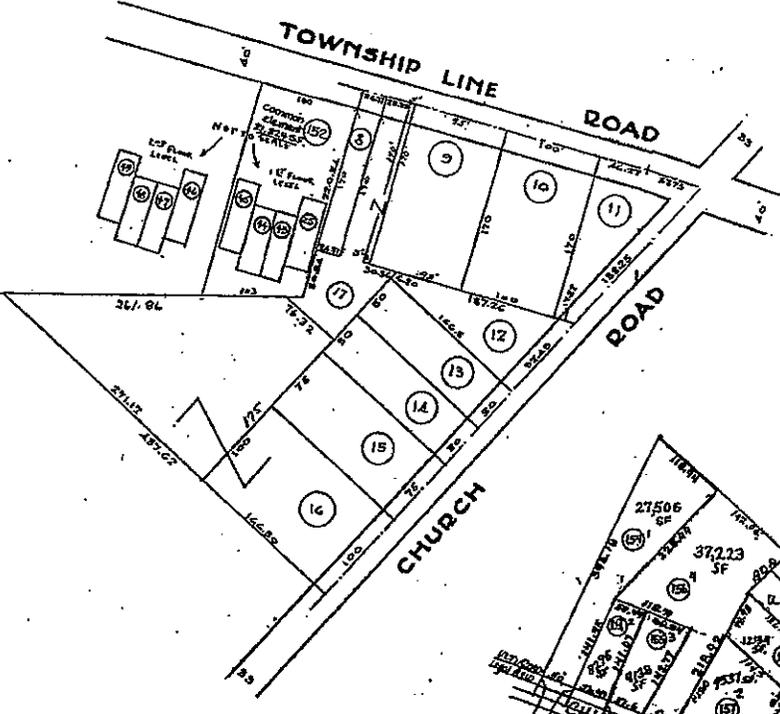
36 TOWNSHIP LINE RD.

DETAIL "A"

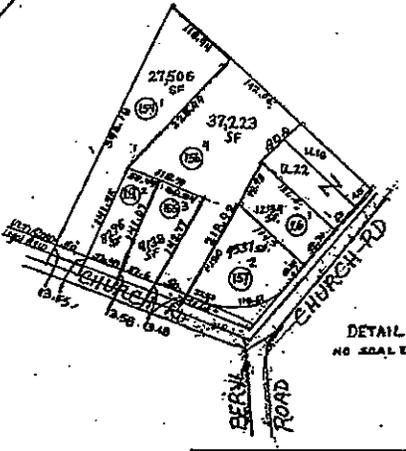
Ac.	Unit								
101	52	117	66	151	87	212	95	227	100
102	53	118	67	152	88	213	96	228	101
103	54	119	68	201	89	214	97	229	102
104	55	120	69	202	90	215	98	230	103
105	56	121	70	203	91	216	99	231	104
106	57	122	71	204	92	217	100	232	105
107	58	123	72	205	93	218	101	233	106
108	59	124	73	206	94	219	102	234	107
109	60	125	74	207	95	220	103	235	108
110	61	126	75	208	96	221	104	236	109
111	62	127	76	209	97	222	105	237	110
112	63	128	77	210	98	223	106	238	111
113	64	129	78	211	99	224	107	239	112
114	65	130	79	212	100	225	108	240	113
				213	101	226	109	241	114
						227	110	242	115
						228	111	243	116
						229	112	244	117
						230	113	245	118
						231	114	246	119
						232	115	247	120
						233	116	248	121
						234	117	249	122
						235	118	250	123
						236	119	251	124
						237	120	252	125
						238	121	253	126
						239	122	254	127
						240	123	255	128
						241	124	256	129
						242	125	257	130
						243	126	258	131
						244	127	259	132
						245	128	260	133
						246	129	261	134
						247	130	262	135
						248	131	263	136
						249	132	264	137
						250	133	265	138
						251	134	266	139
						252	135	267	140
						253	136	268	141
						254	137	269	142
						255	138	270	143
						256	139	271	144
						257	140	272	145
						258	141	273	146
						259	142	274	147
						260	143	275	148
						261	144	276	149



Detail "B"
SCALE 1" = 100'



Detail "C"
SCALE 1" = 80 FEET.



Detail "D"
NO SCALE

ZAB 3433-4



CHELTENHAM TOWNSHIP,
MONTGOMERY CO.
REAL ESTATE REGISTRY
BLOCK 59
SCALES AS NOTED
SEPT 1946

***** (C) MEA Land Record Parcel Information ***** 03/19/2012

Parcel # 310026560004 Municipality CHELTENHAM
 Deed Book/Page 5597-00503 Grantor BRESSI NICHOLAS J & PHILOMENA M
 Block/Unit # 059 004 Grantee 36 TOWNSHIP LINE STORAGE LP
 Census Tract 202201 Mail address P O BOX 101835
 FT WORTH TX 76185 76185-1

Total Assessment \$2,152,100 Phone nbr
 Twp/Borough Taxes \$15,368 Site address 36 TOWNSHIP LINE RD
 School Taxes \$89,527 ELKINS PARK PA 19027-2220
 County Taxes \$5,799 Latitude 40.071109 Longitude 75.100444
 Total Taxes \$110,694 Owner Occupied
 Land use 4272 MULTI-TENANT MINI STOR Zone code M3

Lot size 102,366 sq/ft 2.350 acre Front feet 200 Lot shape Rectangular
 Utility 1 All Public Utility 2 None Utility3

Commercial
 ttl bldg. s/f 121,656 ttl lease s/f 121,656 Air condition Central
 Excess ground Clear span Year built 2007
 Exterior Elevator # units 75
 Basement Yes Heating Hot air parking cov/unc
 Structue type MINI WAREHOUSE Building use MINI-WAREHOUSE
 Location Secondary Strip

Date latest sale 03/28/2006 Latest saleprice \$750,000
 Date previous sale 07/05/1994 previous saleprice \$1
 State tax stamps Latest sale validity Valid sale
 Previous assessment Previous taxes
 Previous building size Previous landuse

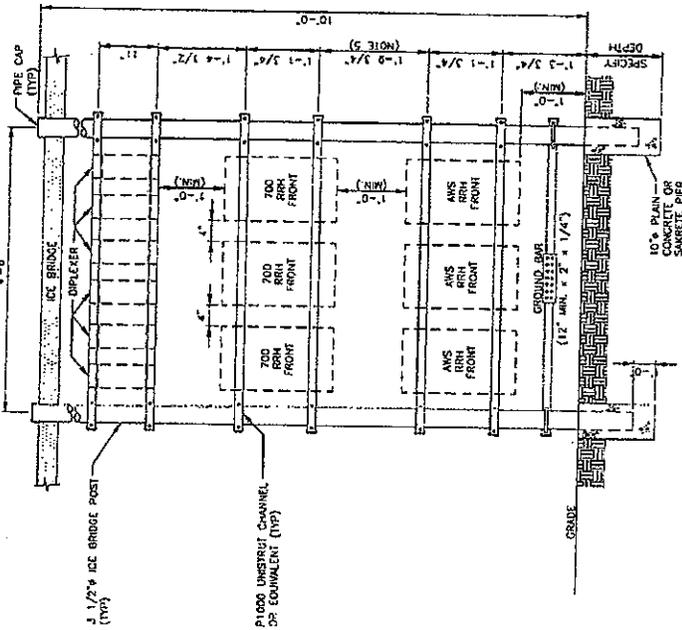
Parcel History

property transfer grantor BRESSI NICHOLAS grantee 36 TOWNSHIP LIN
 saledate 2006/03/28 saleprice 750000 deed book/page 559700503

U S Census 2000 Statistical data for Census Tract 202201

Total population	4953	Pct population < 18	25.9
Pct population 18-24	6.1	Pct population 25-44	29
Pct population 45-64	22.8	Pct population 65 +	16.2
Median age	39.3	Nbr housing units	1760
Avg. household size	2.73	% single Hd/Househd	23
Median Family income	68512	Per Capita income	25848

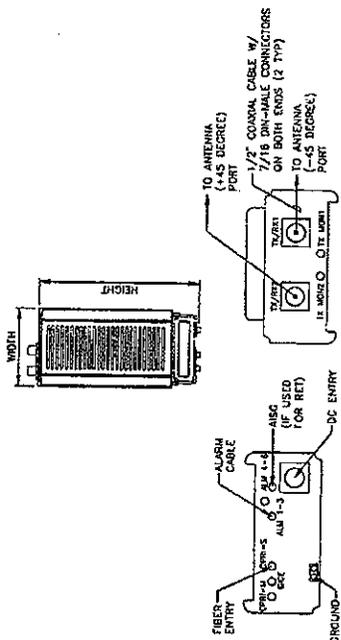
ZHA 3433-5



- NOTES:
1. SUBCONTRACTOR SHALL SUPPLY AND INSTALL UNISTRUT (OR EQUIVALENT) MOUNTING CHANNELS.
 2. SUBCONTRACTOR SHALL SUPPLY AND INSTALL ICE BRIDGE POSTS AS REQUIRED.
 3. COAX BRIDGE POSTS SHALL BE 3 1/2" O.D. SCHED. 40 PIPE (ASTM-A36, ASS OR EQUIVALENT).
 4. SUBCONTRACTOR SHALL SUPPLY (BUT NOT INSTALL) 3/8" UNISTRUT BOLTING HARDWARE AND SPRING NUTS. TYPICAL EQUIVALENT HARDWARE SHALL BE INSTALLED UNISTRUT FRAME.
 5. SPACING MAY VARY BASED ON SELECTED EQUIPMENT. ADJUSTMENTS TO SPACING WILL BE MADE BY RETU INSTALLER.
 6. NO PAINTING OF THE RRH OR SOLAR SHIELD IS ALLOWED.

REMOTE RADIO HEAD (RRH) BACK DETAIL
(ON GRADE W/DIPLEXERS)

DETAIL 11100



RRH BOTTOM VIEW

RRH TOP VIEW

SIZE AND WEIGHT TABLE

RRH	WIDTH	DEPTH	HEIGHT W/O CABLE MANAGEMENT COVER	WEIGHT W/O BRACKET
RRH 700 MHz 2K40 (GM)	12.2"	10.8"	21"	51 LBS.
RRH ANS ZERO (GM)	12"	9"	25"	43 LBS. (W/O SOLAR SHIELD)

NOTE: DIMENSIONS INCLUDE MOUNTING BRACKET, SOLAR SHIELD AND CONNECTORS.

MINIMUM CLEARANCE TABLE

RRH CABINET	CLEARANCES (INCHES)	COMMENTS
FRONT	36"	INSTALLATION ACCESS
REAR	2"	ZERO REAR CLEARANCE IS ALLOWED USING SUPPLIED MOUNTING BRACKETS
RIGHT	4"	AIR FLOW
LEFT	4"	AIR FLOW
TOP	12"	AIR FLOW
BOTTOM	12"	CONDUIT ROUTING

ALCATEL-LUCENT 9442
REMOTE RADIO HEAD (RRH)

DETAIL 11024

<p>BECTEL COMMUNICATIONS, INC. 200 NORTH WARNER ROAD SITE 160 KING OF PRUSSIA, PA 19406 PHONE: (917) 233-1736</p>	<p>Dewberry Dewberry-Boothby 200 NORTH WARNER ROAD SITE 160 KING OF PRUSSIA, PA 19406 PHONE: (917) 233-1736</p>	<p>at&t NEW CIRCULAR WIRELESS PCS, LLO 200 NORTH WARNER ROAD KING OF PRUSSIA, PA 19406</p>	<p>LTE PROJECT DETAILS</p>

2113 3433-8.3

The Planning Commission ("PC") meeting was held tonight at Curtis Hall. The following Planning Commission members were present: Messrs. Cross, Winneberger, Leighton, and Cohen and also present was ex-officio members Harrower and Laughlin. Also present was Patrick J. Duffy, P.E., Director of Engineering, Zoning & Inspections, and Hannah Mazzaccaro, Montgomery County Planning Commission.

1. Acceptance of the minutes of the February 27, 2012 Meeting.

David Harrower stated that on Page 7 of the minutes Cheltenham Comprehensive Plan should be capitalized.

Mr. Winneberger made a Motion to approve the minutes as amended to include Mr. Harrower's changes; Mr. Leighton seconded the Motion; the Motion passed.

2. Zoning Hearing Board Agenda for April 9, 2012

APPEAL NO. 3433 Appeal of New Cingular Wireless PCS, LLC, tenant by grant of easement on premises known as 36 Township Line Road, Elkins Park, PA, for the following Zoning Relief for an existing Telecom Facility:

- a. Determination that the modifications to the Telecom Facility are permitted by right in the M-3 district pursuant to Section 295-89.D of the Township Code as a telephone central, public utility building, and otherwise complies with such provisions.
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- e. A determination that upgrades to the Telecom Facility are authorized on the Property pursuant to federal law, including the Pole Attachment Act 47 U.S.C. Section 224; the Telecommunications Act of 1996, 47 U.S.C. Section 253 (dealing with removal of barriers to entry) and Section 332 (dealing with regulation of mobile services) and the Middle Class Tax Relief and Jobs Creation Act of 2012, Section 6409 (dealing with modifications to existing facilities).
- f. Applicant also applies for such other interpretations, waivers and/or variances as may ultimately be required.

Chris Schubert Esq. and Jim Johnson Site Acquisition Manager were present for New Cingular Wireless (AT&T).

Mr. Schubert stated that there is an existing pole and antenna on Township Line Road at the Public Storage Facility. Mr. Schubert stated that AT&T is proposing three (3) more antennas, and the current antennas extend to the top of the pole by about 10-15'. Mr. Schubert stated that AT&T is proposing to pull down the previous antennas and mount them flush to the pole and install three (3) additional antennas below the first three (3) for a total of six (6) installed antennas.

Mr. Schubert stated that AT&T would like to install one (1) additional cabinet inside the fence compound. Mr. Schubert stated that the applicant is seeking a modification of the previous Zoning Hearing Board Decision.

Mr. Duffy stated that on Page 2 of the plans it states that the antennas are going on a new pole, however the detail states the antennas are going on an existing pole. Mr. Duffy stated that he wants the plans corrected as it seems misleading.

Mr. Harrower stated that he agrees with lowering the antennas as it helps the aesthetics of the pole.

Mr. Winneberger made a Motion to take No Action; Mr. Leighton seconded the Motion; the Motion passed.

**3. Review of Cheltenham Township Development Plan No. 12-0560
Record Plan Silverman Land Development-51-57 S. Keswick Avenue.**

Mr. Thomas Cross recused himself.

Messrs Silverman, Silverman and Rose were present to discuss the application.

Leon Silverman stated that the proposed coverage on the lot is a little less than previous coverage. Parking spaces are provided for on Keswick Avenue at an angle, Leon Silverman stated that the plans may change as one parking space is too close to the stop sign.

Leon Silverman stated that there are no tenants for the garage space yet and landscaping is planned.

Leon Silverman stated that the proposed steel building will now have siding that will help the structure blend in.

Mr. Winnerberger asked if samples of the siding were available. Jason Silverman stated no.

Discussion ensued regarding the presented drawing of the building.

Mr. Harrower stated that the last recommendation from the Planning Commission on this project was to speak with neighbors. Leon Silverman stated that he thinks the neighbors are in support of the additional changes and diagonal parking. Jason Silverman stated that the neighbors said they wouldn't object to the building.

Mr. Winneberger asked if there are any plans to renovate the garages in the rear. Leon Silverman stated that they will remove three (3) of the units.

Leon Silverman stated that he thinks the garages are structurally sound but they need to be cleaned up and painted.

Mr. Winneberger expressed concern regarding customers parking in the residential parking spaces of the neighbors. Leon Silverman stated that he doesn't anticipate parking on Paxson Avenue.

Mr. Laughlin asked if there would be any vehicle storage allowed in the garages. Jason Silverman stated that no vehicle storage would be allowed.

Mr. Harrower asked if there would be any signage for the property. Jason Silverman stated that it's a condition in the Zoning Hearing Board Decision that no signage is allowed and only "Silverman Ceramics" will show on the awnings.

Mr. Duffy asked the applicants Engineer, Nick Rose, if he had any questions or issues regarding Mr. Duffy's review letter. Mr. Rose acknowledged the plans would comply and address the comments.

Mr. Winneberger made a Motion of Approval; Mr. Leighton seconded the Motion; the Motion passed.

4. Review of Proposed Changes to the Recently Adopted "Age Restricted Overlay Ordinance"; see attached.

Mr. Cross thanked Mr. Cohen for his comments and the table that explained his proposed changes.

Mr. Harrower stated that this is a compelling issue. Mr. Laughlin agreed.

Mr. Winneberger stated that the Ashbourne Country Club plan pretty much gutted the previous Ordinance and then came in with an extensive list of variances and Laverock is doing the same thing. Mr. Winneberger asked why the Township has Ordinances if they keep granting Developers these long lists of variances.

Mr. Amey stated that the by-right plan makes sense if it serves a purpose, but if the Age Restricted Ordinance gives the Developers alternate by-right use it doesn't really serve an end. Mr. Laughlin stated that projects attempt to go by-market rate. Mr. Cross stated that it's a bait and switch.

Mr. Cross asked if it's a legal issue in requiring Developers to demonstrate an overlaying use. Mr. Amey stated that he doesn't think it's illegal.

Mr. Harrower stated that it is the Planning Commissions job to be responsive to neighbors and stand up and say the residents don't want that density. Mr. Harrower stated that the previous AR Ordinance was a disaster.

Mr. Cross stated that a little more attention should be paid to the constituents. Presently only large neighborhood groups can advocate against Developers.

Mr. Laughlin stated that he likes that the by - right yield plan takes into consideration riparian buffers, steep slopes etc.

Mr. Harrower spoke to safe guarding steep slopes, historic properties.

Mr. Amey stated that the new ordinance does require that you to net out wetlands etc.

Mr. Cohen stated that another reason to do a by-right yield plan is to identify what areas can be built upon without variances.

Ms. Mazzaccaro stated that the by-right yield plan is not a hardship on the Developers, because a savvy Developer probably already has it and would not make an offer on a property if they didn't think a by-right plan would work.

Mr. Cross stated that the Cheltenham community is not based on new developments.

Discussion ensued regarding the charm of the community and to encourage better development.

Mr. Cross stated that the onus is on the Developers to provide a smart development. Mr. Cross stated the Commissioners and Developers need to step back and slow down and the solution is not to force the residents to speed up.

Mr. Cross stated that no matter how you write ordinances, the Developers will ask for variances.

Mr. Laughlin stated that the Ordinance doesn't yield anything but a development. Mr. Cohen disagreed and stated that it does give additional tax revenue. Mr. Amey stated that it also gives 50% open space etc.

Mr. Leighton stated that it's too much density in all the wrong places. Mr. Leighton suggested putting these developments in already dense areas.

Ms. Mazzaccaro stated that it's the position of Montgomery County that Age Restricted housing should be near a commercial district and public transportation.

Discussion ensued regarding Mr. Cohen's spreadsheet.

Mr. Cross stated that he doesn't enjoy large dense projects on residential sites.

Mr. Cohen asked if someone from the Planning Commission will present the proposed changes to the Building and Zoning Committee.

The overall consensus/conclusions of tonight's discussion are as follows:

Mission Statement: To provide for and encourage the building of AR housing in the Township while recognizing need to provide for additional density on properties to encourage the development of AR housing and at the same time to limit the density and height on residential properties so that it is more compatible with the surrounding neighborhoods.

The Planning Commission suggested that the ordinance be amended as follows:

- 1.) Homes should be changed to Dwellings through out Ord. Section 295-44 I.5
- 2.) The word Of to Or on Page 12 Section 3 of the Ordinance.
- 3.) On Page 10 Section J. No. 1 should read Historic resources on the tract instead of Historic resources within the Township.
- 4.) Applicants shall be required to submit a by- right yield plan for the property based on the underlying zoning.
- 5.) Density calculations within the ordinance should be restructured so that a density and height bonus is based upon a multiple of the by-right yield calibrated by housing type and tract size.
- 6.) Height should be limited to no more than 3 storeys on sites 10 acres or less.

In conclusion the Planning Commission requests that the Commissioners allow it to provide specific density and height tables reflecting changes as proposed in Item No. 5 above.

5. Old Business

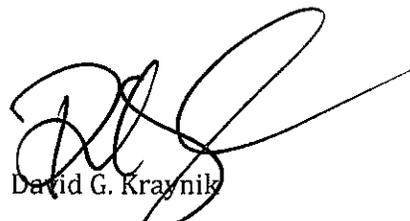
None

6. New Business

None.

7. Adjournment

Mr. Winneberger made a motion for adjournment; Mr. Goldfarb seconded the Motion, the Motion passed. The meeting adjourned at 9:55 P.M.



David G. Kraynik
Township Manager
Per Holly A. Nagy

Proposed Changes to Cheltenham Township Age Restricted Overlay District Ordinance 3.7.12

		Current Ordinance				Proposed Changes		
A. Housing Types	B. Units Per Developable Acre	C. Kerlin Example at 90% of Land as Developable (or 6.91 Acres of the Total 7.68 Acres)	D. Bulking Coverage @ 20% of Developable Area	E. Estimated Deduction for Setbacks, etc. for Kerlin (Will vary by specific property and after specific detailed property analysis)	F. Estimated Units Allowed at Kerlin	G. Units Possible on 100 Acre Site (Assuming 90% of land as developable; Building coverage at 20%; and setback % from column E.)	H. Proposed Changes	I. Notes
Source/ Basis →	Ordinance	Quick Calculation	Ordinance	Quick Calculation	Quick Calculation	Quick Calculation	Recommendations Based on Analysis	Analysis / Quick Calculations
1 Single Family, Single Family Detached, Two family Detached, Townhouses	8 Per Developable Acre.	6.912 acres	(1.32 acres for Kerlin)	10% 6.14 net developable acres at Kerlin	49 / 6.38 units per gross property (7.68 acres)	640 (but capped at 300) / 3 units per gross property (100 acres)	Have three classes of units per developable acre (column B): 5 - 10 acres: 4 per developable acre. >10 - 20 acres: 6 per developable acre >20 acres 8 per developable acre.	This would result in: 5 - 10 acres: 24 units on Kerlin. >10 - 20 acres: 96 units on 20 acres. >20 acres: 300 (cap) units on 100 acres.
2 Midrise Multi-Family Dwellings 4 or 5 Story Buildings	12 Per Developable Acre.	6.912 acres	(1.32 acres for Kerlin)	12% 5.99 net developable acres at Kerlin	71 / 9.24 units per gross property (7.68 acres)	936 (but capped at 300) / 3 units per gross property (100 acres)	Change to 3 or 4 story building (Column A). Have three classes of units per developable acre (column B): 5 - 10 acres: 6 per developable acre. >10 - 20 acres: 8 per developable acre. >20 acres 12 per developable acre.	This would result in: 5 - 10 acres: 35 units on Kerlin. >10 - 20 acres: 124 units on 20 acres. >20 acres: 300 (cap) units on 100 acres

		Current Ordinance					Proposed Changes		
A. Housing Types	B. Units Per Developable Acre	C. Kerlin Example at 90% of Land as Developable (or Total 7.68 Acres)	D. Building Coverage @ 20% of Developable Area	E. Estimated Deduction for Setbacks, etc. for Kerlin (Will vary by specific property and after specific detailed property analysis)	F. Estimated Units Allowed at Kerlin	G. Units Possible on 100 Acre Site (Assuming 50% of land as developable; Building coverage at 20%; and setback % from column E.)	H. Proposed Changes	I. Notes	
Source/ Basis →	Ordinance	Quick Calculation	Ordinance	Quick Calculation	Quick Calculation	Quick Calculation	Recommendations Based on Analysis	Analysis / Quick Calculations	
3 Midrise Multi-Family Dwellings 6 or 7 Story Buildings	15 Per Developable Acre.	6.912 acres	(1.32 acres for Kerlin)	14% 5.83 net developable acres at Kerlin	87 / 11.32 units per gross property (7.68 acres)	1,140 (but capped at 300) / 3 units per gross property (100 acres)	Change to 5 to 6 story building (Column A). Have three classes of units per developable acre (column B): 5 - 10 acres: Not allowed. >10 - 20 acres: 10 per developable acre.	This would result in: 5 - 10 acres: not permitted on Kerlin. >10 - 20 acres: 152 units on 20 acres. >20 acres: 300 (cap) units on 100 acres	
4 Midrise Multi-Family Dwellings 8 Story Buildings	20 Per Developable Acre.	6.912 acres	(1.32 acres for Kerlin)	16% 5.68 net developable acres at Kerlin	113 / 14.71 units per gross property (7.68 acres)	1,480 (but capped at 300) / 3 units per gross property (100 acres)	>20 acres 15 per developable acre. Change to 7 to 8 story building (Column A). Have three classes of units per developable acre (column B): 5 - 10 acres: Not allowed. >10 - 20 acres: 15 per developable acre. >20 acres 20 per developable acre.	This would result in: 5 - 10 acres: not permitted on Kerlin. >10 - 20 acres: 222 units on 20 acres. >20 acres: 300 (cap) units on 100 acres	

Notes:

Have a ratio of the number of permissible units tied to ranges of property size. Right now the ranges in section 295-243(C) are tied to the developable acreage. This is problematic in a three key ways: 1) There is too much density and building height allowed on smaller properties (less than 10 acres); 2) The number of units allowed on smaller properties is too great based in comparison to underlying R1 to R4 zoning; and 3) The amount of development in terms of units per property is too heavily weighted towards allowing more units per acre on smaller properties. Analysis and recommendations are shown in the table above. Note that the calculations and analysis are based on certain assumptions and do not reflect a detailed analysis of Kerlin Farm or other specific properties. The result of the recommendations would be more in line of allowing for development that is better balanced to help limit the development impact of smaller properties, while still providing some density improvements for developers over underlying zoning.

**CHELTENHAM TOWNSHIP
ORDINANCE NO. 2236-12**

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 Requirements.
 - 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.
5. All homes constructed under this overlay district shall meet the guidelines for Energy Star rating set by the U.S. Environmental Protection Agency (EPA). Third party verification by a certified Home Energy Rater or equivalent is required prior to occupancy of each home.

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.

- a. When authorized by the Zoning Hearing Board as a special exception, a separate lot may be created to promote preservation and conservation of historic and natural resources. Such lot shall be a minimum of one acre and a maximum of ten acres in area, and shall otherwise conform to all dimensional requirements of the underlying district and the requirements of this subsection J. In case of any conflicts between those requirements, the most stringent shall apply. To ensure compatibility with neighboring properties, any lot created under this section shall be deed restricted with respect to location, type, and intensity of use, and shall be restricted against further subdivision. The content of all deed restrictions shall be subject to review and approval of the Township Solicitor.
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. Community Impact Analysis. All applications for development under this overlay district shall be accompanied by a Community Impact Analysis consisting of the following:
1. An environmental impact study showing the impact on existing floodplains, wetlands, woodlands, steep slopes, and other sensitive natural features of the property.
 2. A traffic impact study documenting the impact on the Township and regional transportation system and the ability of adjacent streets and intersections to efficiently and safely handle the traffic generated by the proposed development.
 3. A fiscal impact study detailing the immediate post construction financial benefit or loss to the Township, school district, and county.
- L. 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 15th day of February, 2012.

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**



BY: _____
Art Haywood
President

ATTEST: David G. Kraynik
David G. Kraynik
Secretary and Township Manager

February 29, 2012

COMMISSIONERS OF CHELTENHAM TOWNSHIP
ELKINS PARK, PA 19027

**COMMISSIONERS OF CHELTENHAM TOWNSHIP
REPORT OF THE BUILDING INSPECTOR FOR MARCH, 2012**

	# PERMITS	TOT. FEES	\$ VALUE
RESIDENTIAL			
RENOVATIONS / ALTERATIONS	46	4,950	247,500
MULTI-FAMILY			
RENOVATIONS / ALTERATIONS	2	15,590	779,500
COMMERCIAL			
RENOVATIONS / ALTERATIONS	9	135	6,750
INSTITUTIONAL			
RENOVATIONS / ALTERATIONS	6	1,785	89,250
FENCE	4	120	120
MARCH, 2012	67	22,580	1,123,120
MARCH, 2011	36	7,282	291,200
YEAR-TO-DATE 2012	103	29,862	1,414,320
TOTAL 2011	428	114,275.9	4,267,138.9
HEATING & AIR CONDITIONING			
MARCH, 2012	5	1,714	85,700
MARCH, 2011	7	593	23,000
YEAR-TO-DATE 2012	10	5,410	267,700
TOTAL 2011	63	12,591	459,400
ELECTRICAL			
MARCH, 2012	7	2,211	110,550
MARCH, 2011	11	649	22,000
YEAR-TO-DATE 2012	23	4,475	209,707
TOTAL 2011	108	11,975	427,442



Patrick J. Duffy
Director - Engineering, Zoning & Inspections