Cheltenham Township, believing that public input is appropriate on any items coming before the Commissioners, will recognize any citizen wishing to address a specific item prior to the vote on that issue. In order to be recognized, please raise your hand.

AGENDA

COMMISSIONERS' MEETING

Wednesday, May 16, 2012
Curtis Hall
7:30 p.m.

1. Pledge of Allegiance.

2. Roll Call.

3. Approval of the Board of Commissioners' Regular Meeting Minutes dated April 18, 2012.

4. Acceptance of the Executive Summary Financial Report of the Manager/Secretary for the month of April, 2012.

5. Acceptance of the Accounts Paid Report for the month of April, 2012.

6. Adoption and presentation of a Resolution to Elizabeth Cataldi recognizing her years of service as a member of the Cheltenham School Board of Directors.

7. Adoption and presentation of a Resolution to Robert Schaefer recognizing his service as Coach of the Cheltenham High School Girls Basketball Team.

8. Swearing-in by the President of the Board of Commissioners of the following members of the Auxiliary Police:

   Gary Cenna
   Vincent Hall
   Tyrell McCall
   Steven Reyes

9. Review and acceptance of the Public Works Committee Regular Meeting Minutes dated May 9, 2012.

   a. Concurrence with a Consortium Contract for Furnishing Street Sign Posts and Material Unit Prices.
   b. Award of a Contract for Replacement of a Sanitary Sewer Line.
   c. Award a Consortium Contract for Furnishing Biodegradable Paper Leaf and Grass Collection Bags.
   d. Award of a Contract for Furnishing Concrete Curb and Sidewalk Replacement.
   e. Consider approval of an automated/semi-automated recycling program.

10. Review and acceptance of the Public Affairs Committee Regular Meeting Minutes dated May 2, 2012.

    a. Renewal of a lease for the Shovel Shop.
    b. Consider a Resolution for a grant application for Elkins Park East Streetscape and Transportation Enhancements.
    c. Adoption of a Resolution honoring Dorothy L. Gates 100th birthday.
    d. Adoption of Resolutions honoring the contributions of Dr. John Whyte of the Moss Rehabilitation Research Institute and Dr. Alberto Esquenazi, Chairman of the Moss Rehabilitation Department of Physical Medicine and Rehabilitation.

11. Review and acceptance of the Public Safety Committee Regular Meeting Minutes dated May 2, 2012.

    a. Adoption of Resolutions recognizing the retirements of Police Sergeant Gregory Malone for 39-years of service and Police Sergeant Stephen Malone for 37-years of service.

12. Review and acceptance of the Building and Zoning Committee Regular Meeting Minutes dated April 4, 2012.

    a. Consider scheduling a Public Hearing regarding consideration of an Ordinance amending Chapter 295 of the Township's Zoning Code for the purpose of reclassifying the 100 block of Cottman Avenue from R5 Residential to C3 Commercial.
    b. Consider scheduling a Public Hearing regarding consideration of an Ordinance amending Chapter 295 of the Township's Zoning Code for the purpose of permitting a specialized professional services business at 133/135 Cheltenham Avenue, Melrose Park.

13. Review and acceptance of the Pension Board Regular Meeting Minutes dated May 4, 2012.

14. Review and acceptance of the Parks and Recreation Committee Regular Meeting Minutes dated May 9, 2012.

    a. Adoption of an Ordinance setting the hours of use of Township parks.

15. Old Business.

16. New Business.

    a. Continued discussion of possible amendments to the Age-Restricted Overlay District Ordinance (see attached).
    b. Consider Citizens' Committee appointment(s).

17. Citizens' Forum.

18. Adjournment.

David G. Kraynik
Township Manager

KENNETH AMEY, AICP
professional land planner

May 10, 2012

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

Re: Age Restricted Overlay District
Proposed Amendments

Dear Mr. Kraynik:

I attended the March 26, 2012 Planning Commission Meeting and have reviewed the minutes from that meeting. I have also reviewed the minutes of the Building & Zoning Committee Meeting of April 4, 2012 and the suggestions offered by David Cohen of the Ad Hoc Zoning Committee. My comments are as follows:

1. The Planning Commission has suggested changing the word "home(s)" to "dwelling(s)" in §295-244.I.5. I agree that this is an appropriate editorial change.

2. Similarly, the word "of", which is located between the words "cause" and "causes" in Section 3, should be changed to "or".

3. In §295-244.J.1., the phrase "historic resources within the Township" should be changed to "historic resources on the tract".

4. Mr. Cohen and the Planning Commission have suggested adding a requirement for submission of a by-right yield plan based on the underlying zoning. While I do not believe that a by-right plan is necessary, there is no harm in requiring the submission and, if nothing else, it will help to establish a base line for discussion and review of proposals under the Age Restricted Overlay.

1122 Old Bethlehem Pike
Lower Gwynedd, PA 19002

phone: 215.283.9619
fax: 215.646.3458
kenamey@aol.com

5. The idea of tying density to a multiple of by-right yield may make sense at some point, particularly as the new zoning ordinance is finalized by the Ad Hoc Zoning Committee. This would begin to give purpose to the requirement of the by-right yield plan mentioned in #4 above. My suggestion is that the current AR density requirements stay in place for now and then be revisited as part of the new zoning ordinance.

6. I believe that the issue of building height along with other comments regarding density and maintaining neighborhood character can best be addressed by allowing midrise multi-family dwellings only on lots greater than 10 acres in area. This would limit buildings on smaller lots to a more residential scale, with a maximum height of 3 stories.

I look forward to discussing these comments with the Board of Commissioners at their meeting on May 16, 2012. In the meantime, if you or the Commissioners have any questions, please let me know.

Very truly yours,

Kenneth Amey

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 whomeet 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
Secretary and Township Manager