

August 5, 2014
Curtis Hall
7:30 p.m.

A **SPECIAL MEETING** of the **TOWNSHIP COMMISSIONERS** was held this evening with Board President Harvey Portner presiding for the purpose of considering and to potentially vote to adopt: (1) an ordinance amending the Cheltenham Township Zoning Code to provide for the adaptive re-use of historic resources to avoid obsolescence of such structures and resulting deterioration and destruction in a new M4 Zoning District; (2) an ordinance amending the Cheltenham Township Code, Subdivision and Land Development (Chapter 260) to add procedures for development activity in the M4 Historic Preservation, Cultural and Artistic Use, and Other Multiple Uses District; and (3) an Ordinance amending the Official Zoning Map of Cheltenham Township to rezone 1750 Ashbourne Road and certain adjoining parcels under common ownership to "M4"; and any other business properly coming before the Board of Commissioners.

Present were Commissioners Haywood, McKeown (via telephone), Norris, Portner, Rappoport, Simon, and Sharkey.

Staff present were Amy Montgomery, Township Engineer; Henry Sekawungu, Director of Planning and Zoning; and Bryan T. Havir, Township Manager. A Public Attendance list is attached.

1. Mr. Portner opened the meeting with the Pledge of Allegiance being led by Mr. Norris.
2. Mr. Bagley announced the commencement of the Public Hearing.

[The Public Hearing and all testimony are transcribed and available as *Notes of Testimony*].

Mr. Bagley announced the conclusion of the Public Hearing.

3. Sr. Ann Lythgoe, representing the Dominican Sisters of St. Catherine deRicci, addressed the meeting. In response to questions from Ms. Rappoport, she reviewed the history of the Dominican Retreat House, which opened in 1933 and continued until 2006. She reviewed attendance over the years, the number of sisters who lived there, staffing, and the conversion of a portion of the property into a nursing facility for elderly nuns.

4. Discussion ensued. Ms. Rappoport asked about the business model, including revenue projections. Mr. Abbas responded that it will be a taxable business, the business model will be based on what is offered, which at this time appears to be approximately one-third hotel and one-third residential properties. All development will be phased-in.

In response to a questions from Mr. Bagley, Mr. Abbas confirmed that the developer would have to file a Master Plan at the same time as Land Development and Subdivision Plans are filed. Mr. Abbas stated that his company is Apeiron Company, and the equitable owner of the property is Elkins Partners. He stated that he as no intention of forming any land conservancy entity to take ownership of the property so as to avoid taxes on the property.

Ms. Rappoport asked if there was a way to restructure a motion on the Ordinances so that the intent of the documents can be accepted while it is tweaked and some of the concerns about the ambiguity of certain aspects of the Ordinances such as open space and age-restriction are incorporated.

Mr. Bagley advised that an Ordinance must be acted on one way or another, i.e. adopted or not adopted. The Board could adopt the Ordinances and tweak them if it wishes to after adoption. However, if an applicant files a land development or sub-division plan, it is filed under the existing Ordinance. Subsequent changes to that Ordinance do not apply to that developer as long as that plan has been submitted.

Mr. Sharkey did not agree with certain opinions of the Montgomery County Planning Commission as outlined in its advisory letter dated July 28, 2014 such as the recommendation for Conditional Use Overlay and the traffic and transportation recommendation, which he felt was not suitable for Cheltenham.

At the request of Mr. Sharkey, Ken Amey, the Township’s Land Planning Consultant who reviewed the Ordinances, commented. Mr. Amey said he supported the proposed Ordinances and had no difficulty with the Ordinances as they apply to said property. However, it might be questionable if the Ordinances could be applicable to other Township properties in the future.

Mr. Norris wanted the Township’s Planning Commission recommendations incorporated into the Ordinances. Specifically, the recommendation on density of the project and a reduction in the numbers for the hotel and residential living units.

Mr. McKeown supported the Ordinances as presented this evening.

Mr. Haywood felt that review and comment from the School District was needed to determine the impact on the schools.

5. Under Old Business – none.

6. New Business:

a. Upon motion of Mr. Portner, the Board of Commissioners adopted **Ordinance No. 2285-14** amending the Zoning Code to provide for the adaptive re-use of Historic Resources; to provide use regulations for such; provide for their preservation; and provide for dimensional, parking and view shed regulations and traffic impact studies (see attached). (AYES: McKeown, Portner, Sharkey, Simon; NAYES: Haywood, Norris, Rappoport).

b. Upon motion of Mr. Portner, the Board of Commissioners adopted **Ordinance No. 2286-14** amending the Township Code, Chapter 260, Subdivision and Land Development to add procedures for development activity in the M4 Historic Preservation, cultural and artistic use, and other multiple uses district (see attached). (AYES: McKeown, Portner, Sharkey, Simon; NAYES: Haywood, Norris, Rappoport).

c. Upon motion of Mr. Portner, the Board of Commissioners adopted **Ordinance No. 2287-14** amending the official Zoning Map of the Township to rezone 1750 Ashbourne Road and certain adjoining parcels under common ownership to "M4" (see attached). (AYES: McKeown, Portner, Sharkey, Simon; NAYES: Haywood, Norris, Rappoport).

7. Under Citizens Forum – Darlene Melton of La Mott was concerned about the preservation of the existing historic buildings. Mr. Bagley advised that the developer has indicated that the Elstowe Mansion and Cheltenham House as well as other buildings on the property will be preserved. This is over and above what is provided for in the Ordinance. She was concerned that changes would be made without going through the channels.

There being no further business, upon motion of Mr. Portner, the Board of Commissioners unanimously approved adjourning the meeting at 9:05 p.m.



Bryan T. Havir
Township Manager

**BOARD OF COMMISSIONERS
CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2285-14

AN ORDINANCE AMENDING THE CHELTENHAM TOWNSHIP ZONING CODE TO PROVIDE FOR THE ADAPTIVE RE-USE OF HISTORIC RESOURCES TO AVOID OBSOLESCENCE OF SUCH STRUCTURES AND RESULTING DETERIORATION AND DESTRUCTION IN A NEW M-4 ZONING DISTRICT; TO PROVIDE USE REGULATIONS FOR SUCH ADAPTIVE RE-USE IN TERMS OF SPECIFIC COMMERCIAL AND MULTIPLE DWELLING USES; PROVIDING FOR THE PRESERVATION OF HISTORIC RESOURCES AND PORTIONS THEREOF; AND PROVIDING FOR DIMENSIONAL, PARKING AND VIEW SHED REGULATIONS; PROVIDING FOR A TRAFFIC IMPACT STUDY

The Board of Commissioners of Cheltenham Township does hereby **ENACT** and **ORDAIN:**

SECTION 1. – AMENDMENT TO CODE

The Code of the Township of Cheltenham, Chapter 295 (Zoning), is hereby amended to add the following:

Article XXXV

M4 – HISTORIC PRESERVATION, CULTURAL AND ARTISTIC USE, AND OTHER MULTIPLE USES DISTRICT

§295 - 255 Purpose.

The purpose of the M4 Zoning District is to promote and provide for the adaptive re-use of buildings that are historic resources and of properties with significant character, uses and development patterns that might otherwise be obsolete and be likely to deteriorate or be demolished due to obsolescence or other reasons; to preserve and promote the use of such historic resources and other land and buildings for cultural and artistic purposes; and to provide for such development in a manner that integrates new development and adaptive re-use into an existing community, transitions between lower and higher density uses, and accomplishes such

goals by allowing a mix of compatible uses that provide for community-benefitting services as well as a variety of living opportunities.

§295 - 256 Applicable Regulations.

In the M4 Historic Preservation, Cultural and Artistic Use, and Other Multiple Uses District the regulations contained in this Article shall apply. Article XXIV Preservation Overlay District of this Zoning Ordinance shall not apply in the M4 District. Existing and future historical preservation and local landmark ordinances shall not apply in the M4 District, unless the Ordinance expressly states that it applies in the M4 District.

§295- 257 Additional Definitions

For the purposes of this Article, the following additional definitions shall apply:

Building coverage shall mean the ratio of the building area on a lot to the Developable Acreage of the lot

Impervious coverage shall mean the ratio of the area of all portions of a lot covered in any way including, but not limited to, buildings, parking areas, porches, pathways, walkways, patio, seating areas, and coverings over pervious surfaces, so as to not allow the ground beneath to absorb water at the natural rate of sodded land, to the Developable Acreage of the lot.

§295-258 Use Regulations

A building may be erected, altered or used, and a lot or premises may be used, for the following purposes and no others and more than one of the uses described below is permitted on the same lot or within the same building provided that compliance with both of the following Paragraphs A and B occurs for any development under this Article, regardless of whether development of Multiple Dwellings under Paragraph C is proposed or exists:

- A. All of the lot(s) under common ownership which contain Historic Resources (as defined in Section 295-2 provided, however, for purposes of this Zoning District, the term "Historic Resources" shall refer only to those Historic Resources that are buildings or portions of buildings constructed prior to 1910) shall be subjected to a deed restriction at the time of recording of the land development plan for development of the lot according to this Article, with terms written to the satisfaction of the Township Solicitor, recorded against the lot(s) stating that the pre-1910 facades, rooflines, and interiors of the Historic Resource(s) shall be preserved in perpetuity in their current or better state of repair, including but not limited to pre-1910 facades, rooflines and interiors, as further defined below, except as otherwise provided in this Article; or if there are more than two (2) Historic Resources on the lot(s) then designating which two (2) or more will be preserved pursuant to Section C.1a. below. For the purposes of this Article, the terms "interior" and "interiors" shall mean only the entrance halls, lobbies, and

foyers on the first, main floors of the Historic Resources, as well as the staircases accessing such areas.

- B. The use of lot(s) in the M4 District shall include, at a minimum, two (2) of the following uses and those uses shall occupy, when aggregated, at least three thousand (3,000) square feet of floor space dedicated exclusively to: auditorium, studio(s), and/or performance and exhibition space for dance, art, music, photography and other arts and media, for educational, cultural, artistic and community purposes.
- C. 1. Notwithstanding anything herein to the contrary, there shall be no more than two hundred and fifty (250) units of Multiple Dwellings per tract held in common ownership at the date of establishment of the M4 District. Multiple Dwellings are permitted in the M4 District subject to a maximum density of eight (8) dwelling units for each one (1) acre of Developable Acreage but in the aggregate no more than such two hundred fifty (250) units of Multiple Dwellings per tract held in common ownership at the date of establishment of the M4 District, subject further to subsections 1.a., 1.b., 1.c. below and the reduction in units of Multiple Dwellings in accordance with subsection D.4. below:
 - a. In order to facilitate the historic preservation, cultural and artistic use, and other multiple use purpose of this M4 District the following shall apply:
 - (i) Multiple Dwellings are permitted only as part of a common land development plan of contiguous land in the M4 District submitted in the form of a master plan (see Section 295-258.E.5, below and Article IX of the Subdivision and Land Development Ordinance) meeting the requirements of Paragraphs A and B above and the other requirements of this Article, which includes (by depiction in the master plan) proposed development of non-Multiple Dwelling uses as permitted in the M4 District as well as all Multiple Dwelling uses intended to be developed on the tract held in common ownership at the date of establishment of the M4 District;
 - (ii) Multiple Dwellings shall be approved only as part of a common land development plan of contiguous land which also includes preservation of at least two buildings that are Historic Resources which shall be the two largest and/or most historically significant buildings that are Historic Resources if there are more than two within the area of contiguous land that is part of the common land development plan, or the preservation of only one (1) building which is an Historic Resource if the tract only contains one (1) building; and

- (iii) The calculated density of Multiple Dwelling Units per one (1) acre of Developable Acreage shall not be reduced by the presence of non-residential buildings or uses (including but not limited to hotels) within the same lot, though the lot shall be required to comply with the minimum lot area, Building Coverage and Impervious Coverage limitations applicable in the M4 District, provided, however, that for each two (2) units (whether single rooms or suites) in a hotel or apartment hotel the Multiple Dwelling density calculation shall be reduced by one (1) unit.
 - (iv) The units of Multiple Dwellings permitted by this Article shall be not more than 1, 2 or 3-bedrooms , with the 3-bedroom dwelling units comprising no more than 40% of the total number of dwelling units in a building.
- b. Preservation of an Historic Resource within the meaning of this Article shall be deemed to have occurred even if any of the following circumstances exist or are proposed: (a) any portion of the Historic Resource is, or is proposed to be, demolished which was added after 1910; (b) the building that is an Historic Resource is demolished after at least seventy-five percent (75%) of the Historic Resource is lost due to, or is duly ordered to be demolished following, a fire or other casualty loss; (c) the building that is an Historic Resource can reasonably be demonstrated to be substantially deteriorated or structurally compromised at the date of adoption of the ordinance applying the M4 Zoning District to the Historic Resource to such a degree that it would create an unreasonable financial hardship to restore the building, in which case the building may either be demolished or restored to economic usefulness without preservation of its historic features, provided that this exception shall not apply to the building (or two if there are two or more) which caused the designation as an Historic Resource; (d) in order to allow for building additions and adaptation to modern uses and needs no more than two facades that are most architecturally significant and prominently visible from a public street, and including the same façade from which the public view is to be protected pursuant to Section 295-265 below, must retain their/its historical architectural appearance; or (e) additions or alterations may be made even to protected facades in order to accommodate modern uses and the needs of owners and guests such as, but not limited to, doors and awnings, lights and signs (the latter two subject to all lighting and sign requirements of the Zoning Ordinance and the Subdivision and Land Development

Ordinance) so long as such addition or alterations are historically relevant and impact the historic features as minimally as reasonably feasible.

- c. In buildings which contain or are attached to Multiple Dwellings, or on the same lot as Multiple Dwellings, the following shall, as examples and not for limitation, be considered permitted "accessory uses": commissary, beauty parlor, barbershop, indoor pet care facilities, flower shop, restaurant, and tailor shop.
 - d. "Common ownership" shall mean ownership by the same persons or entities, or directly or indirectly by persons or entities which are affiliates of one another and/or under common control by legal structure or by agreement, and all successors and assigns thereof or purchasers or transferees therefrom, by agreement or operation of law. Ownership of percentage interests in an entity that do not constitute control of that entity shall not alone constitute common ownership, but ownership of a controlling equity interest, or contractual management control, in a controlling entity such as the general partner of a limited partnership, or contractual control by an individual or by minority interests having management authority under the organizational documents of an entity such as the operating agreement of a limited liability company, or common control under any other contractual relationship such as a management contract, shall be common ownership. "Ownership" shall include leasehold interests and shall include the right to ownership under an agreement of sale or option agreement.
- D. The following uses in a single building (whether or not a separate building with only that use or uses), more than one use in a building or in multiple buildings, including in hotels and apartment hotels as set forth in Section D.4. below, or not in a building, are permitted:
- 1. Restaurant, tea room, bar or tavern; brewery or distillery when associated with operation of a restaurant, bar or tavern on the premises.
 - 2. Health and wellness clinic, but not including drug dispensary, which incorporates elements such as: outpatient medical or chiropractic treatment or therapy, exercise and physical rehabilitation, outpatient diagnostic or health screening procedures and testing, dietary consultation, and preventive medicine services.
 - 3. Fitness center which incorporates a gym or similar exercise facility and which may also include, among other facilities, a swimming pool, spa, and

offices or other rooms for providing fitness, dietary and wellness treatments or consultation.

4. Apartment hotel lodging up to eighteen (18) units per acre or hotel lodging up to thirty-two (32) units per acre but in no event more than 250 units in the aggregate per tract, defined as all contiguous lots in common ownership at the date this District is established. In a building containing or attached to an apartment hotel or hotel, or on the same lot, the following shall be permitted "accessory uses": conference center, event hall (including wedding receptions and similar events), restaurant, bar, tea room, tavern, retail goods store, studio, personal service shop, bank, financial institution, commissary, beauty parlor, barbershop, indoor pet care facilities, flower shop and tailor shop, and the uses in 295-258.D.5 below. The total number of Multiple Dwelling units, hotel rooms and apartment hotel units, on the tract described in this paragraph, shall be a maximum of five hundred (500) less the number of Multiple Dwelling units required to be deducted due to the calculation under Section 295-258 C.1.a. (iii) above from the maximum number of Multiple Dwellings units (250 or less, as applicable). For example, if there are 40 acres of Developable Acreage on the tract held in common ownership at the date of establishment of the M4 District, at 8 units per acre of Developable Acreage, a maximum of 250 units would be allowed subject to the calculation pursuant to Section 295-258.C.1.a.(iii) above. If fifty (50) hotel units are proposed by the developer, then pursuant to Section 295-258.C.1.a.(iii), the number of Multiple Dwelling units permitted on the tract held in common ownership at the date of establishment of the M4 District would be reduced by one (1) unit for each two (2) hotel units, resulting in a maximum number of Multiple Dwelling units of 225 units with 50 hotel units.
5. Auditoriums, studios, and performance and exhibition spaces for dance, art, music, photography and other arts and media, for educational, exhibition, conference and/or performance purposes.
6. Bakery or confectionery shop for the production of articles to be sold at retail on the premises of the shop or in the hotel or apartment hotel.
7. Offices related to or serving any other permitted use in this District.
8. Public gardens for exhibition or community gardening use; or farmer's market defined as the seasonal selling or offering for sale at retail of vegetables or produce, flowers, home-produced or studio-produced arts and crafts, orchard products, and similar non-animal agricultural products, occurring in a predesignated area, where the vendors are individuals who have raised the vegetables or produce or have taken the same on

consignment for retail sale and subject to any further regulations or ordinances adopted by the Township Board of Commissioners regulating what may be sold, hours and days of operation, responsibilities for cleanup, and zones for farmer's markets could be located in relation to residential uses.

9. Amphitheater, located not closer than two hundred (200) feet to any residential use, when authorized by a special exception.
10. In addition to any other accessory use expressly permitted in this District, any accessory use on the same lot with and customarily incidental to any of the above permitted uses.
11. Any use of the same general character as any of the uses hereinbefore specifically permitted when authorized as a special exception but not to include any use permitted only in a less restricted district.

E. The following shall be allowed in connection with preservation of Historic Resources:

1. the interior of each building which is an Historic Resource may be reasonably but not substantially altered (cleaning, repair, restoration, upgrading or enhancement of the existing character of the interior of an Historic Resource shall not be considered to be an alteration and shall be permitted);
2. the applicant may make any and all alterations to the Historic Resource required by the Americans With Disabilities Act, the Pennsylvania Fire and Panic Act, the Township Fire Code and all other required fire and public safety codes, statutes, ordinances and regulations;
3. the applicant may modernize HVAC, plumbing, electrical and mechanical equipment as well as all interior alterations reasonably necessary to accomplish same;
4. in each of 1., 2. and/or 3., the applicant shall use all reasonably practicable efforts to preserve the historic character and details of the exterior and interior of the building or buildings which are Historic Resources; and
5. the applicant shall include a depiction of the resulting historic character and details of the exterior and interior of the building or buildings which are Historic Resources in the master plan and/or revised master plans referred to in Section 295-258.C.1.a.(i) and in Article IX of the Subdivision and Land Development Ordinance.

§ 295-259 Lot area and lot width.

A lot area of not less than twenty-five thousand (25,000) square feet and a lot width of not less than one hundred fifty (150) feet at the street line and extending for that width from the street line to the depth of the rear yard shall be provided for every building hereafter erected, altered or used in the M4 District.

§ 295-260 Building Coverage and Impervious Coverage.

- A. The Building Coverage shall not exceed twenty percent (20%) of the Developable Acreage of the lot.
- B. Impervious Coverage shall not exceed fifty five percent (55%) of the Developable Acreage of the lot.
- C. Building Coverage and Impervious Coverage in the Multiple Use District may be calculated based on the Developable Acreage of contiguous lots under common ownership within the M4 District, but not if the lot is separated by a public street.

§ 295-261 Yard regulations.

- A. Front yard.
 - 1. There shall be a front yard, the depth of which shall be at least eighty (80) feet, provided that, in the case of a lot extending through from one street to another, the street lines of which are not more than one hundred fifty (150) feet apart, the depth of the front yard on the rear street line may be decreased with approval of the subdivision or land development plan. Vehicular parking shall not be permitted within fifteen (15) feet of any street line.
 - 2. In the case of a corner lot, a front yard as provided for in Subsection A(1) shall be required on each street on which the lot abuts, provided that, in the case of a corner lot held in single and separate ownership at the effective date of this chapter of a width less than one hundred (100) feet, the depth of the front yard on the long side may be decreased with approval of the subdivision or land development plan.
- B. Side yards. There shall be two side yards, one on each side of the principal building, each at least eighty (80) feet wide.
- C. Rear yard. There shall be a rear yard, the depth of which shall be at least eighty (80) feet.

- D. Lots greater than ten (10) acres in area shall be exempt from the requirements of subsections A., B. and C. of this Section but shall be required to maintain a setback distance of eighty (80) feet between any building on such lot and the ultimate right-of-way line of any public street and between any building on such lot and the boundary of an adjoining lot.

§ 295-262 Green area and Open Space.

A green area and open space, perpetually landscaped and maintained, shall be required (“open space”). This area of the open space shall be not less than twenty five percent (25%) of the lot area and shall include a landscaped buffer strip at least ten (10) feet wide abutting the entire perimeter of the lot, excluding driveways for ingress. The open space may be calculated based on the area of contiguous lots under common ownership within the M4 District, or a common development plan under common ownership within the M4 District at the time of application under the subdivision and land development process, excluding areas and lots separated by a public street. The landscaped buffer requirement in perimeter locations may be deemed to be satisfied by existing conditions where the distance between a proposed building and the applicable perimeter is more than one hundred fifty (150) linear feet or if the purpose of a buffer is effectively accomplished by existing trees or other existing landscaping. The open space shall remain green and open in perpetuity and the owner shall enter into such covenants, deed restrictions, maintenance obligations, and/or other written obligations, to the approval of the Township Solicitor, so as to assure that such open space shall perpetually remain green and open in accordance with the requirements of subsection B. of Section 260-54 of Article IX of the Subdivision and Land Development Ordinance.

§ 295-263 Building height.

A building located within one hundred (100) feet of any street line may not exceed three (3) stories and thirty six (36) feet in height and a building located more than one hundred feet (100) feet from any street line may not exceed four (4) stories and forty-eight (48) feet in height; except that portions of additions to buildings that are a Historic Resource having an aggregate building footprint up to one hundred fifty percent (150%) of the building footprint of the Historic Resource (at the date of establishment of the M4 District including any portion of the building constructed after the year 1910) to which the addition is attached may exceed the height and story restrictions of this Section and may extend up to the same building height as the Historic Resource though no more than two (2) additions of such building height shall be permitted on each Historic Resource, and in no event may any portion of such addition be within eighty (80) feet of any street line.

§ 295-264 Parking.

The following off-street parking requirements shall apply in the M4 District:

- A. There shall be two (2) off-street parking spaces provided for every residential dwelling unit.
- B. There shall be one (1) off-street parking space provided for every rental unit for hotels, apartment hotels and motels.
- C. There shall be one (1) off-street parking space provided for every two hundred fifty (250) square feet of gross floor area of uses set forth in Section 295-258.D.4.-12. (except hotels, apartment hotels or motels for which immediately preceding Paragraph B. is applicable), including, but not limited to, accessory uses.
- D. There shall be one (1) off-street parking space provided for every three hundred (300) square feet of gross floor area of all other uses permitted in the M4 District not enumerated above.
- E. At least fifty percent (50%) of the off-street parking spaces shall be underground parking.
- F. There shall be no parking garages with parking spaces above the ground level unless
 - 1. all exterior garage walls are at least one hundred fifty (150) feet from all public streets and
 - 2. all exterior façades directly visible from a public street and not shielded from view by other buildings are designed and constructed to appear generally consistent with the character and aesthetics of the Historic Resources.
- G. No parking on perimeter streets surrounding the tract shall count toward the required parking.

§ 295-265 View shed.

No buildings or additions to buildings shall be erected, or new landscaping shall be installed, such that the view from a public street to the primary façade of an Historic Resource is materially impaired; provided that if that primary façade can be viewed directly from more than one street or if there is more than one façade that is primary, then this restriction shall apply only to the view from one street to one façade which is determined by the Board of Commissioners to be the primary façade.

§295-266 Traffic Impact

A traffic impact study shall be required for any hotel, apartment hotel, event facility, conversion of a Historic Resource for any use permitted in the M4 District or for Multiple

Dwellings in order to determine the impact of the proposed use and offer solutions to mitigate the potential negative impacts, if any, of the proposed use or uses. The traffic impact study shall be prepared by a qualified traffic engineer who possesses the credentials outlined for a Municipal Traffic Engineer as defined in Pennsylvania Code Chapter 612, as amended from time to time, entitled "A Municipal Traffic Engineering Certification". The applicant shall pay all costs associated with preparation and submission of the study.

A. The study must demonstrate that the proposed use will not adversely affect the surrounding areas or traffic circulation generally in the Township; or else identify any traffic problems that might be caused or aggravated by the proposed use or uses and delineate solutions to those problems. Based upon the findings of the study the Township may require other improvements both onsite and offsite, which would alleviate hazardous or congested situations directly attributable to the proposed development.

B. The traffic impact study shall include an analysis of all significant intersections within the study area extending to a minimum of one-half mile from the boundary on all roads which the traffic generated by the proposed development would be reasonably expected to utilize. Intersections greater than one-half mile away shall also be studied if deemed necessary by the Township Engineer. The traffic study shall also include an analysis of existing and proposed sidewalks and pedestrian trails.

§ 295-267 Additional Procedures

See Article IX of the Cheltenham Township Subdivision and Land Development Ordinance.

SECTION 2. - DISCLAIMER

Nothing in this Ordinance shall limit, in any manner whatsoever, the Township's right to enforce any ordinance or law of the Township of Cheltenham, County of Montgomery or Commonwealth of Pennsylvania. Nothing in this Ordinance shall be a defense of any citation issued by any municipal corporation or the Commonwealth pursuant to any other law or ordinance.

SECTION 3. - SEVERABILITY

The provisions of this Ordinance are severable, and if any Section, sentence, clause or phrase shall be held by a court of competent jurisdiction to be illegal, invalid, or unconstitutional, the remaining portions of this Ordinance shall not be affected or impaired thereby.

SECTION 4. - REPEALER

Any ordinance or part of any Ordinance conflicting with the provisions of this Ordinance shall be deemed and the same are hereby repealed to the extent of such conflict.

SECTION 5. – FAILURE TO ENFORCE NOT A WAIVER

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION 6. – EFFECTIVE DATE

This Ordinance shall take effect and be in force as soon after adoption as is permitted by law.

ORDAINED AND ENACTED by the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, this 5th day of August, 2014.

CHELTENHAM TOWNSHIP

By: Harvey Portner
Harvey Portner, President,
Board of Commissioners

BM
Attest: **Bryan T. Havir, Township Secretary**

**BOARD OF COMMISSIONERS
CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2286-14

**AN ORDINANCE AMENDING THE CHELTENHAM TOWNSHIP
CODE, SUBDIVISION AND LAND DEVELOPMENT (CHAPTER 260)
TO ADD PROCEDURES FOR DEVELOPMENT ACTIVITY IN THE
M4 HISTORIC PRESERVATION, CULTURAL AND ARTISTIC USE,
AND OTHER MULTIPLE USES DISTRICT IN ADDITION TO THE
STANDARD SUBDIVISION AND LAND DEVELOPMENT PROCESS
SUBMISSIONS INCLUDING, BUT NOT LIMITED TO, THE
REQUIREMENT OF SUBMISSION OF A MASTER PLAN OF THE
DEVELOPMENT; SETTING FORTH THE ELEMENTS TO BE
INCLUDED IN SUCH A MASTER PLAN; AND SETTING FORTH
THE STANDARD FOR APPROVAL OF SUCH A MASTER PLAN.**

The Board of Commissioners of Cheltenham Township does hereby **ENACT** and
ORDAIN:

SECTION 1. – AMENDMENT TO CODE

The Code of the Township of Cheltenham, Chapter 260 (Subdivision and Land
Development) is hereby amended to add the following:

Article IX

**ADDITIONAL PROCEDURES FOR DEVELOPMENT ACTIVITY IN THE M4 –
HISTORIC PRESERVATION, CULTURAL AND ARTISTIC USE, AND OTHER
MULTIPLE USES DISTRICT**

§ 260-54 Additional Procedures For Development Activity in the M4 Zoning District

A. Prior to any construction or demolition in the M4 District, in addition to the standard subdivision and land development submissions, the developer of such proposed construction/demolition shall submit to the Township Building and Zoning Department and to the Board of Commissioners a master plan of the development under the provisions of this Chapter and Article XXXV of the Zoning Ordinance, setting forth in sufficient detail so as to be able to determine if the plan(s) are in compliance with the Ordinance provisions of the M4 Zoning District and the other applicable zoning provisions including, but not limited to the following: (1) the construction/demolition planned on the tract proposed to be developed, (2) the common development scheme of the lot, (3) the quantity and type of all proposed buildings, structures and

uses proposed, including Multiple Dwelling units, and non-Multiple Dwelling uses, the proposed locations of buildings and/or structures, the historic character and details of the Historic Resource(s) preserved/to be preserved as set forth in Article XXXV and other applicable provisions of the Zoning Ordinance, if it is the intention of the applicant to preserve more than two (2) Historic Resources then all such Historic Resources shall be included, the heights, elevations and architectural style, proposed driveways, parking areas and ingress and egress for the entire tract and each building to be preserved, sufficient to demonstrate, among other things, whether the provisions of Article XXXV of the Zoning Ordinance are satisfied.

B. As part of the master planning process, prior to the approval of any master plan, and any revised master plan, the applicant shall provide a certified metes and bounds survey for the entire property which is the subject of the plan or revised plan, setting forth among such other details as the Board of Commissioners may require, (a) the footprint of all of the structures to remain on, or planned to be constructed on the property, whether or not attached to any other structure, (b) the location of the 10-foot landscaped perimeter (setting forth any areas which may have been allowed by the Board of Commissioners to remain as existing landscape), (c) the twenty-five percent (25%) of the property which will be maintained as landscaped open space, (d) the balance of the property which will remain as pervious surface (but not less than the additional 20% required to be pervious surface in an M4 District), (e) the view sheds (which may be part of (b), (c) or (d)), and (f) the pedestrian trail(s). The survey shall be recorded as part of the approved subdivision and/or land development plan.

C. The subdivision and/or land development plan for the lot shall conform to the master plan submitted pursuant to A. above. The developer shall submit a revised master plan if any changes are proposed to the submitted master plan which shall be reviewed by the Township Building and Zoning Department for compliance with the provisions of Article XXXV and other applicable provisions of the Zoning Ordinance. The Township Planning Commission, Shade Tree Advisory Commission and any other Township advisory committee given the right to comment on the subdivision and/or land development plan by the Board of Commissioners, shall also receive the master plan and revised master plans for review and comment.

D. A revised master plan shall be submitted to the Board of Commissioners at the same time that a revised subdivision and/or land development plan is submitted that does not conform to a previously approved master plan. The developer shall coordinate any changes to a previously approved master plan with any subsequent subdivision and/or land development plans.

E. The Board of Commissioners shall render a decision approving or denying approval of the master plan or revised master plan within ninety (90) days after the date of its first regular meeting after the date the master plan or revised master plan is submitted, unless an extension is granted by the developer.

§260-55 Pedestrian Trail(s)

In addition to any sidewalk requirements, and not as a substitute, pedestrian trails are required in all subdivisions and land developments in the M4 Zoning District in locations as determined by the Board of Commissioners. The minimum width of all pedestrian trails shall be eight feet. Pedestrian trails shall not exceed a grade of 7% except as otherwise required by applicable ADA regulations and standards, as amended. Steps or a combination of steps and ramps shall be utilized to maintain maximum grades, where necessary. Where a pedestrian trail grade exceeds 5%, a non-slip surface texture shall be used.

SECTION 2. - DISCLAIMER

Nothing in this Ordinance shall limit, in any manner whatsoever, the Township's right to enforce any ordinance or law of the Township of Cheltenham, County of Montgomery or Commonwealth of Pennsylvania. Nothing in this Ordinance shall be a defense of any citation issued by any municipal corporation or the Commonwealth pursuant to any other law or ordinance.

SECTION 3. - SEVERABILITY

The provisions of this Ordinance are severable, and if any Section, sentence, clause or phrase shall be held by a court of competent jurisdiction to be illegal, invalid, or unconstitutional, the remaining portions of this Ordinance shall not be affected or impaired thereby.

SECTION 4. - REPEALER

Any ordinance or part of any Ordinance conflicting with the provisions of this Ordinance shall be deemed and the same are hereby repealed to the extent of such conflict.

SECTION 5. – FAILURE TO ENFORCE NOT A WAIVER

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION 6. – EFFECTIVE DATE

This Ordinance shall take effect and be in force as soon after adoption as is permitted by law.

ORDAINED AND ENACTED by the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, this 5th day of August, 2014.

CHELtenham TOWNSHIP

Harvey Portner
By: _____
Harvey Portner, President,
Board of Commissioners

Bryan T. Havir
Attest: _____
Bryan T. Havir, Township Secretary

Harvey Portner

**BOARD OF COMMISSIONERS
CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2287-14

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF
CHELTENHAM TOWNSHIP TO REZONE 1750 ASHBOURNE ROAD AND
CERTAIN ADJOINING PARCELS UNDER COMMON OWNERSHIP TO “M4”**

The Board of Commissioners of Cheltenham Township does hereby **ENACT** and **ORDAIN**:

SECTION I. - Amendment to the Official Zoning Map of Cheltenham Township

The Cheltenham Township Zoning Map is hereby amended to rezone 1750 Ashbourne Road bounded by Ashbourne Road, Penrose Avenue (partially), Beech Avenue, Sycamore Avenue and Juniper Avenue, owned by the Dominican Congregation of St. Catherine Dericci, further identified as Tax Block 1185C, Units 1T, 1E and 2, Montgomery County Tax Parcel Nos. 31-000-1222-007, 31-000-1846-004 and 31-002-5888-001, which tract consists of 45.32± acres and are particularly described in the legal description attached hereto as Exhibit “A”, from the existing zoning classification of R-2 to the new classification and district of “M4”.

SECTION II. - Severability

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the 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 even if such

illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION III. - Failure to Enforce not a Waiver

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION IV. - Effective Date

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

SECTION V. - Repealer

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

ORDAINED AND ENACTED by the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, this 5th day of August, 2014.

CHELTENHAM TOWNSHIP

By: Harvey Portner
**Harvey Portner, President,
Board of Commissioners**

Attest: Bryan T. Havir
Bryan T. Havir, Township Secretary

**PUBLIC ATTENDANCE LIST
SPECIAL BOARD OF COMMISSIONERS MEETING**

Tuesday, August 5, 2014

7:30 p.m.
Curtis Hall

NAME (Please Print Clearly)	ADDRESS	E-MAIL/TELEPHONE
J. Markman	1011 Serpentine Ave 19095	pt@usct.org
Jamil S Gordon		Larium1@aol.com 267 335 7432
J. Paulini	1714 BEECH AVE ERINS PARK 19027	jpaulini@hotmail.com
ALAN BRONSTEIN	1616 Juniper EP	bronstein@comcast.net
Brenda Dyer	7719 Sycamore EP 19027	neverfalia@aol.com
DARLENE MELTON	1829 Chelsea Rd LAMOTT PA 19027	CHELSEACHAT@YAHOO.COM
Emma Trusty	1817 Willow Ave LaMott Pa. 19027	
Steven Deh McCarten	211 W. Waverly Rd. Gleusde	
TED & ERIC CERCHI	300 Maple Ave	

**PUBLIC ATTENDANCE LIST
SPECIAL BOARD OF COMMISSIONERS MEETING**

Tuesday, August 5, 2014

7:30 p.m.

Curtis Hall

NAME (Please Print Clearly)	ADDRESS	E-MAIL/TELEPHONE
DOUG TEDESCHI	26 CATNAM PKY MP 19027	DOUGTEDESCHI@VERIZON.NET
Cathy Callan & Jim Napolitano	1424 Juniper Ave Elkins Park	callanca@gmail.com
Boris Pransky		
R Muldrow		Amatt37@gmail.com
Jeremy Terr Jessica Mattis	650 Stetsun Rd	JSTERR@gmail.com
Margaret Griff	419 Lodges Ln EP	
Margaret B. Wayns	7316 Keenan St. LaMott, PA 19027	
R WAYNS	7316 Keenan St LaMott PA 19027	
Deb Napper	1825 Chelsea Rd Elkins Park 19026	apisces1r1z0308@verizon.net

**PUBLIC ATTENDANCE LIST
SPECIAL BOARD OF COMMISSIONERS MEETING**

Tuesday, August 5, 2014

7:30 p.m.

Curtis Hall

NAME (Please Print Clearly)	ADDRESS	E-MAIL/TELEPHONE
MARtha Robinson	1912 GRAHAM LA 19027	
Phyllis Jot	1725 Ashbourne Rd E.P	X
DANIEL C. Conley	3711 GRAND AVE.	
David Harrower	509 Fox Rd. Glenview	
Ed Lichtsheim	7918 Park	
Michael Skolnick	8210 Brookside Rd EP	
S Strahs	C	
Andrea Jack	11518 W Cheltenham AVE	
Diane Wms	267-253-6947	