

April 6, 2011  
Curtis Hall

A regular meeting of the **BUILDING AND ZONING COMMITTEE** was held tonight, Michael J. Swavola, Chairman, presiding. Members present were Commissioners Hampton, Haywood, and Sharkey. Also present was Ex-Officio Member Portner. Staff present were Joseph Bagley, Wisler Pearlstine LLC; Bryan T. Havir, Assistant Township Manager; David M. Lynch, Director of Engineering, Zoning and Inspections, and David G. Kraynik, Township Manager. A Public Attendance List is attached.

Mr. Swavola called the meeting to order.

1. The Zoning Hearing Board Agenda for April 11, 2011 was reviewed as follows:

**Appeal No. 3394:** (Continued) Appeal of Marrae Dargen, prospective tenant at 8110 Old York Road, Elkins Park, PA 19027, from the Decision of the Zoning Officer for variance from the Rules and Regulations of the Class C-3 Commercial and Business District as outlined in CCS 295-117 in order to operate a Childcare Facility for thirty (30) children, ages 1 to 5 years old, Monday thru Friday, 6 AM to 6:30 PM with six (6) staff members from the Premises instead of one of the enumerated permitted uses.

Mr. Lynch reported that the applicant has requested a continuance.

Upon motion of Mr. Portner, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that the Committee recommends denial as previously stated

**Appeal No. 3398:** Appeal of Cheltenham Hook and Ladder Company No. 1, Owner of premises known as 413 Ryers Avenue, Cheltenham, PA 19012, from the Decision of the Zoning Officer for the following Zoning Relief in order to construct a 2 storey, 1830 S.F. addition containing a bay on the first floor and offices and bunk room on the second floor, with additional parking in the rear to replace parking area lost:

- a. A Variance from the Rules and Regulations of "Nonconforming Uses" as outlined in CCS 295-227.C.(2) and C.(3) for expansion of the nonconforming structure and use of the Premises in excess of the maximum permitted 25%.

- b. A Special Exception in accordance with the Rules and Regulations of Nonconforming Use as outlined CCS 295-227.B. and C. for expansion of the nonconforming structure and use of the Premises.
- c. In the alternative to Items a. and b., above, a Variance from the Rules and Regulations of the Class R-8 Residence District as outlined in CCS 295-64. for the expansion of the nonconforming structures and use of the Premises instead of one of the enumerated permitted uses.
- d. A Variance from the Rules and Regulations of the Class R-8 Residence District as outlined in CCS 295-64. for two (2) principal uses on the Premises: the Fire Company station and a single family dwelling instead of the permitted one (1) principal use.
- e. Variances from the Rules and Regulations of the “Steep Slope Conservation District” as outlined in Article XXII of Chapter 295 of the Cheltenham Code, as follows:
  - i. From CCS 295-168. for not submitting a Lines and Grades Plan in accordance the stated requirements.
  - ii. From CCS 295-167. for the expansion of the parking field over an existing Steep Slope Area.
- f. Variances from the Rules and Regulations of “Parking and Loading” as outlined in CCS 295-221., as follows:
  - i. A determination as to the number of parking spaces required.
  - ii. From CCS 295-221.B.(3) for not providing a continuous three (3) foot high wall/fence or plantings along the five (5) feet of road frontage along Ryers Avenue for the reconfigured parking.
  - iii. From CCS 295-221.B.(3) for not providing a continuous six (6) foot high wall/fence or plantings along the northeast side of the premises (adjacent to single family dwelling).
  - iv. From CCS 295-221.B. (3) for not providing a continuous six (6) foot high wall/fence or plantings along the southeast property line (Rear Property Line).
  - v. From CCS 295-221.C.(2)(c) for a lesser aisle width of 22’ instead of the minimum required 24’ for the thirteen (13) parking spaces to the northeast of the proposed addition.

John Howland, Esq. was present to represent the applicant. He reviewed the application and stated that an additional bay was needed since the fire company currently has to juggle vehicles, which wastes time in emergency situations; the fire company is a first responder, and there is a need for bunk rooms to provide sleeping quarters; the current offices are very small and the fire company needs larger office space. Mr. Howland reviewed buffering and dimensional relief. At the request of a neighbor, a tree will be removed, and the fire company is willing to

keep an existing non-conforming 4' fence, if permitted by the Zoning Hearing Board. He stated that the fire company owns the two (2) residential twin homes next to fire house, and wants to merge one of the houses to the fire house property, and he reviewed the variances for buffers and use.

Mr. Haywood inquired about parking. Mr. Howland stated that there are 20 parking spaces. Mr. Lynch stated that the Zoning Code is silent on this aspect. There are neighbors who are concerned about stormwater and landscaping, which will be addressed in land development.

Upon motion of Mr. Swavola, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that it recommends the grant of relief for said appeal.

There was a comment from the public:

James McCann, 417 Boyer Road, stated that he is a long-time resident and a member of the fire company. According to Mr. McCann, numerous additions were proposed for the fire station in the past, and it was decided that a new facility was needed instead; there are not enough firefighters; the fire station is in a bad location; when the fire station was built, trucks and equipment were smaller; a new station and not an addition is needed. Also, his son was a member of the fire company and was recently voted out of it.

In response to a question from Mr. Portner, Mr. McCann stated that not very many members of the fire company support his position but he wanted his opinion on record.

It was Mr. Swavola's opinion that the Cheltenham Fire Company is one of the strongest of the Township's fire companies, Cheltenham Village is an appropriate location, and the Township wants to be supportive of the fire company. It was Mr. Portner's opinion that the fire company is on the far east side of the Township and serves a large portion of the community.

2. Mr. Portner inquired as to the status of an Ordinance regulating roof top signs. Mr. Lynch reported that the Ad Hoc Zoning Committee discussed it but no action was taken. There will be further discussion at the committee's next meeting.

Upon motion of Mr. Sharkey, and unanimously approved by the Committee,

the Ad-Hoc Zoning Committee Regular Meeting Minutes dated March 8, 2011, were received.

3. The Committee reviewed the latest draft of a new Age Restricted Overlay District Ordinance (AR). Kenneth Aimey, Consulting Planner, reviewed the changes as suggested by the Committee at its March meeting (see attachment).

There were public comments from the following residents:

Thomas McHugh, 127 Hewett Road  
Mitch Zigmund-Felt, 35 Carter Lane  
Joseph Vescovich, 107 Tookany Creek Parkway  
Scott Laughlin, 1681 East Willow Grove Avenue  
David Cohen, 321 Gerard Avenue  
Joel Perlstein, Willow Grove Avenue  
David Harrower, 509 Fox Road

- The addition of more specific definitions for buffer, building, and common open space.

Mr. McHugh requested that the definition of roof top buildings be more specific in regards to structured parking.

Mitch Zigmund-Felt, 35 Carter Lane, asked for more specificity for restricting development in riparian buffers and slopes 15% or greater; the ordinance lacks a definition of natural and man-made steep slopes; it is critical these be clarified to limit the number of opportunities that a developer will have to develop with those restrictions being exceeded or with variances that can be approved by the Zoning Hearing Board.

Mr. Haywood felt that there are a lot of expectations regarding this Ordinance from the public and the Commissioners. He felt it might not be possible to meet everyone's expectations but the Commissioners are doing the best they can to improve upon the last AR Ordinance.

- No tract proposed for development shall be sub-divided either during or after the development process, which prevents a developer from sub-dividing larger tracts into multiple tracts under the Ordinance. This prevents a developer from aggregating smaller tracts and creating non-qualifying property and from taking larger tracts and sub-dividing it into multiple tracts.

Mr. Aimey stated that the AR requirements do not seem appropriate for the commercial and business districts, and therefore are not included but C1 districts are included since they allow apartment use.

In response to a question from Mr. Haywood, this aspect changes the map regarding qualifying tracts by a reduction of about 5 properties.

Mr. Vescovich questioned including C1 districts that could result in lower tax rateables. He supported more commercial properties instead of residential. We need more commercial and this is taking potential commercial out of the pipeline. He was concerned about institutional zoning being included. Mr. Vescovich felt that institutional use should be considered for re-zoning and not for an AR district.

The Committee decided to reconsider C1 and institutional use in the AR Ordinance.

- Inclusion of non-residential uses with the AR district such as retail shops, personal service shops, and professional offices may be permitted as accessory uses. There is no cap on the uses if they are located on the first floor of a building but there is a cap if they are located in a free-standing building so that they do not become shopping center type structures.
- Clarification added regarding perimeter setbacks.
- Clarification of the number of townhomes that would comprise a 'row'. This would consist of five (5) homes.
- Maximum building height reworded and limits the height of the buildings to 45-feet, not to exceed 3-storeys. Mid-rise buildings are limited to 96-feet, not to exceed 8-storeys.

Mr. Haywood asked if it was possible to get something visual that might allow for a better perspective on a proposed development. Mr. Aimey responded that this would be difficult because there would have to be a lot of assumptions regarding the tract, i.e. geography, topography, etc. For a regular 5-acre lot, the increased setbacks would not allow a taller building. A 10-acre lot limits the taller buildings to the central portion of the tract. There is more flexibility with a 15-20 acre parcel.

Mr. Haywood asked about the maximum building heights on 5, 10, and 15 acre parcels. Mr. Aimey stated that on a 5-acre parcel, it would be possible to put a 4-5 storey building; on 10-acres, an 8-storey building; and on 15 acres, an 8-story plus multiple buildings, all contingent upon a lot of variables.

Mr. Laughlin asked why mid-rise and high-rise buildings were being allowed on small lots that could have greater impact on the community and one consideration is if part of the desire is to have that density as an option to developers restricted only to 10 or 15 acres+ parcels and not allow it at all on smaller parcels and just be done with it as part of the Ordinance.

Mr. Sharkey suggested that 8-storey buildings be limited to parcels of 10-acres or more. He felt they would be more suitable to larger parcels. Ms. Hampton asked that this be included as a restriction in the Ordinance.

A member of the public asked the advantage of taller buildings to the public.

Mr. Swavola stated the townhouse approach allows the developer to partially develop and then add units as units are purchased. Over restriction promotes the development of only townhouses. Mr. Swavola felt there was an advantage to the public with high-rise buildings. He cited the Elkins Park House and Coventry House, which has been successful and has a waiting list, it is mostly senior citizens, has low impact, and he has never had a complaint in his 19 years by the residents surrounding the Coventry House. In fact, most of the complaints are from Coventry House residents about the neighborhood noise. We want to encourage low impact development in such a way as a developer may want to do it. The likelihood of building a tall building is becoming less but restricting it would be stepping back. I am a proponent of increasing our tax base by increasing density as long as the density is of low impact.

Mr. Sharkey felt that the multi-storey concept could be beneficial. His concern is that if economic factors change, the resident base of multi-storey buildings could change. Right now, most consist of senior citizens but there are indications of a possible future shift to a younger resident base.

- Increase in the minimal distance from 25' to 30'.
- Provision to require the continued maintenance and protection of open space to be acceptable to the Commissioners and Solicitor.

Mr. Zigmund-Felt felt that tighter language to identify the commitment to protect open space was needed; other similar age-restricted developments should be investigated; he did not want a developer promising to protect the open space or allocate it to the homeowners' association without the ability to maintain those safeguards to financially protect the Township and the community.

Mr. Lynch noted that the Matrix/Ashbourne development did not get relief from the open space requirements. Mr. Aimey stated that the AR Ordinance will not usurp the Preservation Overlay Ordinance regarding the protection of open space.

The Committee agreed that tighter language regarding preservation and maintenance of opens space in the AR Ordinance was needed.

- Requirement for phasing was changed. Any development under this Ordinance must be carried out in phases, and each phase planned so that a phase must stand on its own before a next phase is started. The initial phase can be no more than 10 dwelling units or 15% of the total number of units. A developer cannot start wholesale over a large tract of land.
- Financial guarantees for amenities on the site have to be in place before the first phase starts.
- The definition and requirements of landscaping and buffering was clarified.

Preservation of historic resources requires identification as part of a development plan, and there is a provision that any change in the use of an historic property would require a special exception, and any change beyond what is in the AR Ordinance or zoning district would require a variance.

Mr. Sharkey asked that the term “Township Historic Resources” be changed to “Historic Resources”. The Committee agreed.

Joel Perlstein asked about permitted uses of historic structures.

Mr. Swavola responded that the type of use would not be limited and usage could be for the entire building, not just the first floor because in a multi-building development, it is possible that the historic structure could be less than 15% of the overall parcel, and all of it could be used for non-residential. The Township wants to relax the usage and create more usage out of historic structures, many of which are costly to maintain and some of them end up becoming deteriorated. Mr. Perlstein was concerned that the character of the neighborhood could be changed with reuse of historic structures. Mr. Swavola felt that the Township had to be practical. A neglected structure can also change the character of a neighborhood. Mr. Bagley noted certain aspects of the Ordinance that address impact on the surrounding neighborhood and purpose of use were addressed.

Mr. Zigmund-Felt asked that there be more specific restrictions regarding allowing a developer to change the zoning during a development when said developer feels that the original development does not appear to be successful and claims hardship. Mr. Aimey responded that there were provisions in the draft Ordinance to address this such as restricted first phasing.

Mr. Vescovich asked if language could be added to state that economic conditions are not a reason to increase density. He did not want a developer to increase density by right and asked if hardship could be defined in the Ordinance, and he was concerned that if an age-restricted development was changed to single family homes, it would be a burden on the school district.

It was Mr. Bagley’s opinion that the Township should not tie its hands on this point. This is a very negotiable point if the Township wants something in return from the developer. Mr. Bagley did not recommend hammering a position that the Township might want to take future advantage of.

Mr. McHugh said there was a feeling during the Matrix/Ashbourne development that the developers can go to the Municipalities Planning Code and everything can get overturned by the state for any type of hardship. He was concerned that anything can get easily overturned in any type of hardship no matter how iron clad an Ordinance is written. He was concerned that the Township is hoping for false economies, and some of the developments could go market, which would be costly for the community.

Mr. Bagley responded that the Commissioners’ actions are based on enacted legislation, and the state legislature can change legislation at any time.

- The addition of language requiring of all documentation pertaining to a homeowners' association or any other association in the development has to be subject to the approval of the Township Solicitor.

Mr. Zigmund-Felt asked for more specificity. Mr. Bagley agreed that the standards of a recent development in the Township addressed this and could be used in the Ordinance.

David Cohen presented the Commissioners with written comments that included: a change to the Street Definition regarding right-of-way; that the Ordinance not apply to properties of less than 8 acres; limiting the size to a percentage of building coverage area or allowable floor area ratio of the tract; not allowing 1,2,3,4,5 for properties of greater than 30 acres; allowing only mid-rise multi-family dwellings on these sites; lower impervious coverage; he questioned the intent/process for maintaining 20% of the developable land as common open space; allowable spacing between lights; removing "Township" before Historic Resource; a need to meet certain hardship conditions; a requirement to go back to the Zoning Hearing Board for the property use to be changed; a time limit after the date of approval of land development plans to change from age-restricted to the zoning district; and if a property changes from age-restricted to the underlying zoning district the same riparian buffer, open space and preservation of historic resource provisions should remain the same.

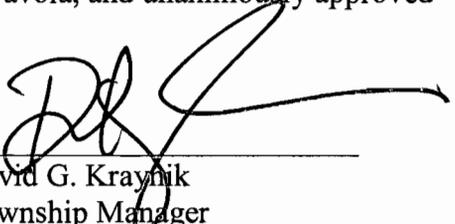
Mr. Harrower asked about the consequences of incompleteness or if the developer demolishes a property.

Mr. Bagley responded that if there is a recorded development plan, the Township has remedies set in place. If zoning is violated, legal action can be taken. However, the Township does not have leverage unless there is a land development or zoning application.

In summation, Mr. Swavola stated that said Ordinance is tighter than what was in effect for the Matrix/Ashbourne development; it will cap the amount of houses; it will limit the density for any thing other than mid-rise; and limits the development to the developable acreage and not the total acreage.

4. Upon motion of Mr. Sharkey, and unanimously approved by the Committee, the Report of the Building Inspector for the month of March, 2011, was received.

There being no further business, upon motion of Mr. Swavola, and unanimously approved the Committee, the meeting was adjourned.

  
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David G. Kraynik  
Township Manager

as per Anna Marie Felix



**PUBLIC ATTENDANCE LIST**  
**Public Affairs Committee, 7:30 p.m.**  
**Public Safety Committee, 7:45 p.m.**  
**Building and Zoning Committee, 8:00 p.m.**  
**Wednesday, April 6, 2011**  
**Curtis Hall**

NAME (Please Print)	ADDRESS	E-MAIL and/or TELEPHONE
Anne Julie White	508 Lindley Rd. Glenside	ajwhite@msn.com (215) 886-7273
B. Marsh	820 Glenside, Wynona	<del>marsh</del> bercy@bsc-worldwide.com
Tom McHugh	127 Hewett Rd.	
James J. McCann	417 Boyer Rd	
Joe Vescoyich	107 Tooty	
DAVID C. COHEN	321 GERARD AVE G.P.	dlcohen1@ix.netcom.com
David Harrower	509 Fox Rd. Glenside	
Cher	chertw	



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**Public Safety Committee, 7:45 p.m.**  
**Building and Zoning Committee, 8:00 p.m.**  
**Wednesday, April 6, 2011**  
**Curtis Hall**

NAME (Please Print)	ADDRESS	E-MAIL and/or TELEPHONE
JAMES SATKO	901 ASHBOURNE RD CHELT 19012 1105	215 379 1758
GREGORY SATKO	" "	215 379 1758
Natalie Hurstky	17 Laurelside Rd	nhurstky@yahoo.com
Steve Strahs	92 Melrose Ave MP	



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**Building and Zoning Committee, 8:00 p.m.**  
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NAME (Please Print)	ADDRESS	E-MAIL and/or TELEPHONE
Tim Schuck	540 HASBROOK AVE	215-663-9682
Lisa Erkert	406 Boyer Rd	215-379-3628
Robert Erkert	406 Boyer Rd	215-379-3628
Maura Iano	157 Greenwood Ave	santa7@kfm.com
Michael Boudet	121 Waverly	mboudet@cozen.com
Eric Schwarz	712 Camberly	215-620-3843 schwarz575@kfm.com
Daniel McWhitt	113 Waverly Rd	215-980-2215
DIANE HAMBURG	532 Georgian Rd	215-884-0270



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NAME (Please Print)	ADDRESS	E-MAIL and/or TELEPHONE
LISA RITTLER owner ELCY'S CAFE	2641 CHURCH RD. 19038	elcyscoffeehouse @comcast.net
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Maureen Huff	117 SEASTON RD ,	Sweetmeatglenesides gmail.com
DARLENE MERTON	1839 Chelsea Rd La Ar. PA.	
JOE PODRASK	107 E Waverly Rd WYCHUCK PA	jrpodras@comcast.net
BOB DEMARCO	65 Limerick Ln	DEMARC04@verizon.net
MARC ZERBANO-FELI	35 CARROLL LN. 19077	
CHRIS DRACH	614 CROYDEN RD	215 7839303

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

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF CHELTENHAM, CHAPTER 295, THEREOF, ENTITLED "ZONING", BY ADDING DEFINITIONS FOR BUFFER, BUILDING, COMMON OPEN SPACE, DEVELOPABLE ACREAGE, BUILDING COVERAGE, HISTORIC RESOURCE, IMPERVIOUS COVERAGE, INTERNAL ACCESSWAY, 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.

**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 –** 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, and slopes 15% or greater.

**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.

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

**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 further 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.

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**§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. 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.

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#### §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%.

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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.

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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, in a form acceptable to the Board of Commissioners and the Township Solicitor.

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 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.

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

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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 shall be designed to complement those uses.
4. As part of the special exception application, the applicant shall provide architectural renderings of all proposed buildings along with samples of the actual materials to be used. The applicant shall also provide graphic representations showing the relationship between the proposed development and structures in the surrounding area.

J. Preservation of Historic Resources.

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

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K. Additional Requirements.

1. A property approved for development in accordance with the provisions of this article shall not be changed from age restricted use unless all requirements of the underlying zoning district are met.
2. An applicant for an age restricted community in this district shall provide at the time of final plan approval proof of deed restrictions or other documentation satisfactory to the Township Solicitor that limits the residential use of the property to those residents who meet the requirements of this article.
3. All documentation pertaining to the establishment of a homeowners association, condominium association, management or maintenance group, or other similar community association shall be subject to review and approval by the Township Solicitor.

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

**SECTION 4.** The provisions of the Ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of this Court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provisions had not been included herein.

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

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

**TOWNSHIP OF CHELTENHAM  
BOARD OF COMMISSIONERS**

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

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