

March 2, 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, McKeown, Sharkey and Simon. Also present was Ex-Officio Member Portner. Staff present were Joseph Bagley, Wisler Pearlstine LLC; Bryan T. Havir, Assistant Township Manager 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 March 14, 2011 was reviewed as follows:

APPEAL NO. 3394: Appeal of Marrae Dargen, prospective tenant at 8110 Old York Road, Elkins Park, PA 19027, from the Decision of the Zoning Officer for a 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 reviewed the appeal and informed the Committee that the lessor will not grant the applicant access to the rear of the property, which the Committee had previously recommended. The Committee discussed the Planning Commission's recommendations and its previous discussions regarding the safety of parking and dropping off children in the front of the property at Church and Bosler Roads.

Upon motion of Mr. Portner, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that it recommends denial of said appeal based on the lack of sufficient and safe parking and potential safety issues for children at this location.

APPEAL NO. 3397: Appeal of Dreck Properties, LTD, Owner of premises known as 7770 Montgomery Avenue, Elkins Park, PA 19027, from the Decision of the Zoning Officer for the following Zoning Relief in order to construct a Duplex on the Premises. The southerly 4.33' of the premises along Montgomery Avenue is within the Class R-5 Residence District; the

northerly 40.67' of the premises along Montgomery Avenue is within the Class C-3 Commercial and Business District:

- a. Variances from the Rules and Regulations of the Class C-3 Commercial and Business District as outlined in Article XVII of Chapter 295 of the Cheltenham Code, as follows:
 - i. From CCS 295-119. for a lesser lot area of 1220 S.F. per family in the C-3 Zoning District instead of the minimum required 2500 SF per family. The overall area per family is 1350 SF (C-3 and R-5 Zoning).
 - ii. A Variance from CCS 295-120. for a greater building area of 75.82% in the C-3 Zoning District instead of the maximum permitted 60%. The overall building area is 68.52%.
 - iii. From CCS 295-121.A. for a zero width front yard setback instead of the minimum required 15'.
 - iv. From CCS-295-121.C. for a zero width side yard setback from the north side Property line instead of the minimum required 8'.
 - v. From CCS 295-121.C. for a 3.67' side yard setback from the C-3/R-5 Zoning District boundary line instead of the minimum required 8'. The overall side yard setback from the south side property line is 8'.
 - vi. From CCS 295-121.D. for a lesser rear yard setback of 10' instead of the minimum required 25'.
 - vii. From CCS 295-124. for not landscaping the first 15' in from the street line.
 - viii. From CCS 295-125. for providing a lesser 3.67' wide buffer area along the C-3/R-5 Zoning District boundary line instead of the minimum required 5' wide buffer area.

- b. A variance from the Rules and Regulations of the Class R-5 Residence District as outlined in CCS 295-43. for the use of the southerly 4.33' x 60' section of the Premises that is within the R-5 Zoning District for the Duplex use instead of one of the enumerated permitted uses.

David Mermelstein, owner, was present. Mr. Lynch reviewed the appeal including the history of the property, the former structure that burned down, existing vacant lot, front parking, plans for a duplex. Mr. Mermelstein reviewed the type of previous structure that was on the site; setback; side and backyard landscaping; roof line style as suggested by the Planning Commission; and stormwater management.

Discussion ensued regarding the size of the apartments; square footage for the second apartment; and needed zoning relief for on-street parking.

Upon motion of Mr. Swavola, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that it takes no action on said appeal but if relief is granted that it be granted contingent upon a land development plan with parking, stormwater management and landscaping be provided and that said appeal be in substantial conformance with the plan dated March 1, 2011 and entitled "Zoning Plans and Elevations".

2. Upon motion of Mr. Sharkey, and unanimously approved by the Committee, the Planning Commission Regular Meeting Minutes dated February 28, 2011, were received.

3. Upon motion of Mr. McKeown, and unanimously approved by the Committee, the Ad-Hoc Zoning Revision Committee Regular Meeting Minutes dated February 28, 2011, were received.

4. The Committee reviewed a draft Age Restricted (AR) Overlay District Ordinance (see attached). Kenneth Amey, Consulting Planner, was present and reviewed said Ordinance. He stated that said Ordinance would apply to the same parcels as the Township's previous AR Ordinance.

There was extensive discussion and review of said Ordinance including, but not limited to, the following aspects of the Ordinance:

- The definition of "developable acreage
- The preservation of historic resources
- The exclusion of commercial districts
- The aggregation and subdivision of parcels
- Frontages for tracts on state roads and the number of lots per acre
- Allowable other uses for the parcel in addition to housing such as for personal service, offices and retail shops including what would be an allowable location of said uses in either a primary or secondary building on the site
- Allowable building height
- Performance standards such as perimeter setbacks; types of housing; definition of a townhouse; allowable sizes and frontages for townhomes; the number of townhomes to comprise a row
- Density, including base density for various building heights; mid-rise vs. high-rise structures; a requirement for the size of a lot required for a high rise building.

The Committee agreed that said Ordinance needed to be revisited including but not limited to the following items: clearer definitions for "building", "common open space"; "preservation" of open space; "construction phasing"; "screening" of above ground facilities; "historic resource". The Committee agreed that there should be more specificity about state road frontage; whether or not a second building in addition to a main building would be allowable; the location of "other uses" such as retail, personal services, etc.; "amenities" and the possible uses for existing historic structures on the sites.

There were comments from the public:

Scott Laughlin, 1681 E. Willow Grove Avenue, felt that said Ordinance was applicable to too many parcels in the Township and felt it could be limited and still generate revenues; he questioned if the Township could absorb the scale of such developments; high rises be limited to the larger parcels. He asked for a list of the applicable parcels.

Len Eisman, 7808 Forebel Road, asked how determination of appropriate types of housing for particular parcels would be determined in preserving the character of the existing neighborhood.

Mr. Bagley advised that there is a difference between "goal" of the governing body and the "requirement" of the governing body, and a "goal" is not a requirement.

Discussion concluded. Mr. Amey will revise the draft document based on the discussion and another draft will be reviewed by the Committee at a future meeting.

5. The Committee reviewed recent decisions of the Zoning Hearing Board as follows:

APPEAL NO. 3383: Appeal of James C. Bullock, Jr., owner of the premises known as 1510 Juniper Avenue, Elkins Park, Pennsylvania 19027, from the determination of the Zoning Officer finding that construction of a four-season enclosure of the existing swimming pool, measuring 36 feet by 48 feet, and creating a greater than allowed building area and less than permitted yard setbacks would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article VII, Section 295-38, regulating building area, and Article VII, Section 295-39, regulating yard setbacks.

The Zoning Hearing Board granted applicant's request for relief subject to conditions.

Upon motion of Mr. Portner, and unanimously approved by the Committee, no action was taken.

APPEAL NO. 3385: Appeal of Clearwire Wireless Broadband and Fairfield Wyncote LLC, owner of the premises known as Towers at Wyncote Apartment Complex, Building No. 3 8480 Limekiln Pike, Wyncote, Pennsylvania, from the determination of the Zoning Officer finding that installation of one microwave dish antenna on the existing penthouse wall with associated telecommunications equipment is not a permitted use and exceeds the permitted structure height and would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article XV, Section 295-98, regulating permitted uses, and Article XV, Section 295-104, regulating building height.

The Zoning Hearing Board granted applicants' request for relief subject to conditions.

Upon motion of Mr. Haywood, and unanimously approved by the Committee, no action was taken.

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

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



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, March 2, 2011
Curtis Hall

NAME (Please Print)	ADDRESS	E-MAIL and/or TELEPHONE
Scott Laughlin	1681 E. Willow Grove Ave Glenside, PA 19038	laughscott@comcast.net 215-836-0440
ED LANDAU	5336 BEECHWOOD AVE JENK, PA 19046	edrla@erds.com
LEN & ROBBIE EISENMAN	7808 Froebel Rd Glenside, PA 19038	leonardm47@gmail.com

**CHELTENHAM TOWNSHIP
ORDINANCE NO. _____**

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF CHELTENHAM,
CHAPTER 295, THEREOF, ENTITLED "ZONING", BY ADDING DEFINITIONS FOR
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:

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

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.
- B. The tract must be located within a Residential or Institutional Zoning District. The C-1 Commercial Districts; 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. 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. These uses shall be limited to the first floor only, and the total area occupied by these uses 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.**

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.
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., building height shall not exceed 45 feet or three stories.

2. In the case of Midrise Multi-family dwellings, the building height shall not exceed 8 stories or 96 feet; 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 25 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.

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. If the development is to be carried out in phases, each phase shall be so planned that the requirements and intent of this article shall be fully complied with at the completion of any phase. For housing types other than midrise multi-family dwellings, the initial phase of development shall contain no more than 15% of the total number of dwelling units proposed under 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.

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 landscaping, privacy fencing or walls.
- I. **Architectural Guidelines.**
1. All buildings shall be designed with a single unifying architectural theme which shall reflect and enhance the visual and historic character of the area.
 2. The use of dormers, cupolas, bay windows, offsets, chimneys, balconies, and other architectural details is encouraged and shall be included where appropriate.
 3. Exterior wall and detail materials are to be brick, stone (natural or manmade), stucco, wood or other approved materials on at least 75% of all building facades. Blank or windowless walls are not permitted. Building facades which face residentially zoned properties 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 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 for any permitted use in this district or the underlying zoning district.
5. Provisions shall be made to provide continued protection and maintenance of the historic resource, in a form acceptable to the Board of Commissioners and the Township Solicitor.

K. Additional Requirements.

1. A property developed 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.

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**