

September 16, 2015  
Curtis Hall

A regular meeting of the **BOARD OF COMMISSIONERS** was held this evening, President Harvey Portner presiding. Members present were Commissioners Holland, McKeown, Norris, Rappoport, Sharkey and Simon.

Staff present were Charlyn Battle, Human Resources Director; Christopher Clewell, Public Works Superintendent; Alyson Elliott, Assistant Township Manager; Michael Fleming, Public Works Coordinator; Nancy Gibson, Public Information and Complaint Officer; Kevin O'Brien, Deputy Chief of Police; John J. Norris, Chief of Police; Joseph O'Neill, Fire Marshal; Bruce Rangnow, Director of Fiscal Affairs; Henry Sekawungu, Director of Planning and Zoning; and Bryan T. Havir, Township Manager. Also present was Joseph M. Bagley, Esq., Township Solicitor. A Public Attendance List is attached.

1. The meeting commenced at 7:30 p.m. with the Pledge of Allegiance being led by Commissioner Norris.
2. Each member having received a copy of the Commissioners' Regular Meeting Minutes dated August 19, 2015, upon motion of Mr. McKeown, the Minutes were unanimously approved by the Board of Commissioners.
3. Each member having received a copy of the Executive Summary Financial Report of the Manager/Secretary for the month of August, 2015, upon motion of Mr. McKeown, the Report was unanimously approved by the Board of Commissioners.
4. Each member having received a copy of the Accounts Paid Report for the month of August, 2015, upon motion of Mr. McKeown, the Report was unanimously approved by the Board of Commissioners.
5. Mr. Sharkey presented a Certificate and Pin to Officer Michael Friend in recognition of 20-years of service with the Cheltenham Police Department.
6. Mr. Sharkey presented Commendations to the following members of the Cheltenham Township Police Department:

**OFFICIAL COMMENDATION-UNIT CITATION**  
Drug Task Force Job-The Towers at Wyncote Apartments

Sergeant Michael Regan #905  
Sergeant Joseph O'Neill #995  
Officer Thomas Fahy #960  
Officer Michael Barone #976  
Detective Mark Bates #928  
MCDP Detective James Woods  
**OFFICIAL COMMENDATION FOR MERIT**  
Daytime Burglaries-Arrests  
Sergeant Andrew Snyder #1013

OFFICIAL CERTIFICATE OF COMMENDATION  
Detective John Barr #1016

OFFICIAL COMMENDATION-UNIT CITATION  
Lynnewood Gardens Burglaries

Sergeant Kevin Brewster #1014  
Detective Mark Bates #928  
Officer Raymond Harmer #930  
Officer Christopher Poirier #934  
Officer David Chiofolo #941  
Officer Kevin O'Donnell #972  
Officer Michael Moore #983 and K9 Odie  
Officer Jason O'Keefe #999  
Officer Daniel Schaefer #1009  
Officer Michael Corbo #1022

7. Review of the Public Works Committee Meeting Minutes dated September 9, 2015:

a. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously approved participation in the 2015/2016 Rock Salt Bid for Montgomery County Consortium of Communities subject to the concurrence of Upper Dublin Township with the award of the contract to the lowest responsible bidder, being Oceanport LLC of Claymont, DE, with a delivered tonnage cost of \$66.10.

Regarding Mr. Sharkey's question about the Township being added to a performance bond, Mr. Bagley advised that the matter is being addressed administratively.

b. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously approved the Snow and Ice Contract with Montgomery County for Easton Road with the new changes in terms for the three (3) year term of 2015-2018 (beginning October 1, 2015 and ending April 30, 2018).

c. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously approved the Certificate of Appropriateness for Application L15-155, La Mott AME Church, 1505 W. Cheltenham Avenue, La Mott, PA 19027, for new exterior stair entries, handicap-accessible ramps, and the replacement of an existing parking lot.

d. Upon motion of Mr. Sharkey, the Board of Commissioners approved the request for a Waiver from Holy Sepulchre Cemetery for an additional 1,302 sq. ft. office building space for cemetery sales for a total footprint of 2,604 sq. ft. at 3301 West Cheltenham Avenue, Cheltenham, PA 19050, and parking, with the following conditions (Ayes: Holland, McKeown, Norris, Portner, Sharkey, Simon; Nay: Rappoport):

- 1) The plan be revised to show a reduction in the impervious surface;
- 2) The transfer of the escrow from the temporary trailer project to this project with any additions that need to be made;

- 3) Shade Advisory Tree Commission review; and
- 4) The plan ultimately be reviewed and approved by the Township Engineer

It was noted that said meeting minutes had Ms. Rappoport as an "Aye" vote on this matter, and she asked, and the Board of Commissioners agreed, that the meeting minutes be amended to show that Ms. Rappoport voted "Nay" on this matter.

e. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Resolution No. 23-15** approving a Sewage Facilities Planning Module for the proposed Ashbourne Meadows Residential Development (see attached).

f. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Resolution No. 24-15** approving a Sewage Facilities Planning Module for the proposed Wyngate Phase II Residential Development (see attached).

g. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously authorized the Township Solicitor to commence legal action against Mitra QSR KNE, LLC, owner of the Kentucky Fried Chicken franchise located at 8140 Ogontz Avenue, Wyncote, PA 19095 to collect costs and damages related to a sanitary sewer overflow.

h. Mr. Sharkey noted that the Township will mail copies of the Flood Plan Maps for Montgomery County once they are released to any affected property owners along with notifications.

i. Mr. Sharkey noted that Robert Hyslop believed his comments at the Public Works Committee meeting were misstated and should be clarified as follows: on page 4 - ... expressed his agreement with the Township's "*current Staff policy for notification policy*" (curb and sidewalk); page 7 - The 14 street-level Harrison area storm inlets with curb-level overflow were installed in 2014 "*in place of*" the previous 6 curb level-only inlets.

Mr. Sharkey asked that the vote on the Holy Sepulchre Cemetery request for a waiver for additional office space be corrected since his vote was not included. He noted that he voted "Aye" for the waiver.

j. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously accepted the Public Works Committee Meeting Minutes dated September 9, 2015 as amended.

#### Public Comment

Robert Hyslop, 211 Harrison Avenue, Glenside, asked if the sewer report addressing the August SSO will be issued and if he could provide his information on the SSO to Dep Mr. Havar reported that Staff is preparing an in-depth report but the findings as Mr. Havar verbalized at the Public Works Committee meeting on September 9, 2015 will not change. Mr. Havar stated that residents need to follow the administrative process when witnessing any SSO as discussed at the Public Works Committee meeting on September 9, 2015. Instructions are on the Township website. Actual witnessing and documentation by Township Staff provides official evidence of an SSO. As to

providing his information to DEP on the August SSO he claimed occurred, he was told that is his prerogative.

8. Review of the Public Safety Committee Meeting Minutes dated September 2, 2015:

a. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Ordinance No. 2313-15** the adoption of an Ordinance amending Chapter 285, thereof, entitled "Vehicles and Traffic" (see attached).

b. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Resolution No. 25-15** Resolution honoring Ted Marley for 70-years of service to the Cheltenham Fire Company (see attached).

c. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously accepted the Public Safety Committee Meeting Minutes dated September 2, 2015.

9. Review of the Public Affairs Committee Meeting Minutes dated September 2, 2015:

a. Upon motion of Mr. McKeown, the Board of Commissioners unanimously approved the consideration of an Ordinance amending the Township Code, Chapter 251, entitled "Peddling, Soliciting and Transient Sales" adding terms and provisions and establishing requirements for transient vendors, transient sales, peddlers and solicitors' permits, and for transient sales permits (see attached). Said Ordinance to be considered for adoption by the Board of Commissioners at its October 21, 2015 meeting.

b. Upon motion of Mr. McKeown, the Board of Commissioners unanimously adopted **Resolution No. 26-15** Increasing Certain Fees and Adding New Fees (see attached).

c. Upon motion of Mr. McKeown, the Board of Commissioners unanimously accepted the Public Affairs Committee Meeting Minutes dated September 2, 2015.

10. Review of the Building and Zoning Committee Meeting Minutes dated September 2, 2015:

a. Public Comment

Karen Helstrom, 7904 Anselm Road, Elkins Park, felt that before Commissioners made a decision on the Stipulated Settlement, it should be backed up and supported.

b. Upon motion of Mr. Simon, the Board of Commissioners authorized the execution of a Stipulation and Settlement Agreement with Swift & Choi Development, LLC, relating to its parcel of land located at 1900 Ashbourne Road, Elkins Park, PA 19027 (see attached). (AYES: Holland, McKeown, Norris, Portner, Simon; NAYS: Rappoport).

c. Upon motion of Mr. Simon, the Board of Commissioners unanimously accepted the Building and Zoning Committee Meeting Minutes dated September 9, 2015.

11. Upon motion of Mr. McKeown, the Board of Commissioners unanimously accepted the Parks and Recreation Committee Meeting Minutes dated September 9, 2015.

12. Under Old Business:

a. Mr. Bagley reviewed Cheltenham Township Development Application No. 15-09 Sketch Plan Review for the Enclave at Kerlin Farms. He advised that since said item was reviewed by the Public Works Committee on September 9, 2015 and tabled to the October meeting. Subsequent research found that the deadline for action is next week so the Board would have to take action this evening. He reached out to the applicant for an extension of time until next week, which was not agreed to. Mr. Bagley advised that he prepared a Resolution for adoption this evening that proposes denial of the sketch plan based a conflict of the age-restricted overlay district and the preservation overlay district and a violation of maximum height limitations in the age-restricted overlay district. Mr. Bagley reported that the applicant has received a copy of the Resolution.

Ms. Rappoport asked if the terms of the Resolution could be separated, i.e. the height. Mr. Bagley responded that it could be modified by deleting the height issue.

Public Comment

David Cohen, 321 Gerard Avenue, Elkins Park, supported the Resolution.

Upon motion of Mr. McKeown, the Board of Commissioners adopted **Resolution No. 27-15** rejecting Cheltenham Township Development Application No. 15-09 Sketch Plan Review for the Enclave at Kerlin Farms, 1050 Ashbourne Road, Cheltenham, PA 19012 (Ayes: Holland, McKeown, Norris, Portner, Simon; Abstain: Rappoport).

b. Mr. Havir gave an update on a recent meeting he attended given by Montgomery County Commissioners on the Papal visit. Chief Norris said he no further information to report beyond what has been reported at previous Public Safety Committee meetings.

13. Under New Business:

a. Montgomery County Planner Brian J. Olszak gave a PowerPoint presentation on the proposed Draft Zoning Ordinance for the Township (see attached). Also present was Assistant Section Chief of Community Planning Eric Jarrell. Mr. Olszak reviewed the process for drafting the ordinance; the series of public meetings; the changes between the first draft in 2013 and the current draft; current and proposed Zoning District changes; Overlay Districts for Zoning, Campus Development, Preservation; use regulations; and wireless telecommunications facilities.

b. Citizens' Committee Appointment: In accordance with the Code of the Township and Article XIII, Section 1302 of the Home Rule Charter, the Board of Commissioners unanimously appointed David Updike to the Human Relations Commission for a term that expires on January 1, 2018.

c. Announcement: Mr. Sharkey announced the 2<sup>nd</sup> Annual Foodfest in Glenside scheduled for September 24, 2015, 7:30 p.m. – 9:30 p.m.

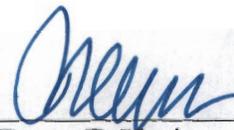
14. Under Citizens' Forum:

Robert Hyslop asked the procedure for amending the minutes. Mr. Bagley advised that it is the Township's decision on how minutes would be amended. Mr. Hyslop did not want a bad version of the minutes on the web. Mr. Havar stated that the changes would be noted in this evening's minutes. Mr. Norris believed that any amendments to minutes should be considered on a case-by-case basis and any changes should be of a material value. Mr. Simon also believed that any changes, if sufficiently material, be corrected in the actual minutes of the meeting since they are the historical record. Minutes are an historical record and changes should be of an historical value. Mr. Simon noted that Commissioners have reviewed minutes of other municipalities, and they are relatively short and general in nature and are mere outlines of meetings.

Mr. Hyslop asked to meet with Messrs. Havar and Sharkey after the meeting. Mr. Sharkey replied that he had to be in Harrisburg early the next morning and was unable to meet with Mr. Hyslop.

David Cohen asked the Commissioners to take action on the ordinance regulating scattered sites that was proposed seven (7) years ago. He hoped that the Draft Zoning Code Ordinance does not suffer the same fate; it has been worked on for nine (9) years; the current Code was written in the 1960's; too many issues end up in litigation, and the Township misses opportunities; it needs to move forward on the Draft Zoning Code.

There being no further business, upon motion of Mr. McKeown, the Board of Commissioners unanimously agreed to adjourn the meeting at 9:00 p.m.



\_\_\_\_\_  
Bryan T. Havar  
Township Manager

as per Anna Marie Felix

## RESOLUTION FOR PLAN REVISION FOR NEW LAND DEVELOPMENT

RESOLUTION OF THE (SUPERVISORS) COMMISSIONERS (COUNCILMEN) of Cheltenham  
TOWNSHIP (BOROUGH) (CITY), Montgomery COUNTY, PENNSYLVANIA (hereinafter "the municipality").

**WHEREAS** Section 5 of the Act of January 24, 1966, P.L. 1535, No. 537, known as the "Pennsylvania Sewage Facilities Act", as Amended, and the rules and Regulations of the Pennsylvania Department of Environmental Protection (Department) adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania Code, require the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters of the Commonwealth and/or environmental health hazards from sewage wastes, and to revise said plan whenever it is necessary to determine whether a proposed method of sewage disposal for a new land development conforms to a comprehensive program of pollution control and water quality management, and

**WHEREAS** Matrix/Ashbourne Associates, LP has proposed the development of a parcel of land identified as  
land developer

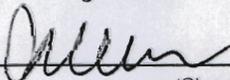
Ashbourne, and described in the attached Sewage Facilities Planning Module, and  
name of subdivision

proposes that such subdivision be served by: (check all that apply),  sewer tap-ins,  sewer extension,  new treatment facility,  individual onlot systems,  community onlot systems,  spray irrigation,  retaining tanks,  other, (please specify). \_\_\_\_\_

**WHEREAS**, Cheltenham Township finds that the subdivision described in the attached  
municipality

Sewage Facilities Planning Module conforms to applicable sewage related zoning and other sewage related municipal ordinances and plans, and to a comprehensive program of pollution control and water quality management.

**NOW, THEREFORE, BE IT RESOLVED** that the (Supervisors) Commissioners (Councilmen) of the Township (Borough) (City) of Cheltenham hereby adopt and submit to the Department of Environmental Protection for its approval as a revision to the "Official Sewage Facilities Plan" of the municipality the above referenced Sewage Facilities Planning Module which is attached hereto.

I , Secretary, Cheltenham  
(Signature)

Township Board of Supervisors (Borough Council) (City Councilmen), hereby certify that the foregoing is a true copy of the Township (Borough) (City) Resolution # 23-15, adopted, September 16, 2015.

Municipal Address:

Cheltenham Township  
8230 Old York Road  
Elkins Park, PA 19027  
Telephone (215) 887-1000

Seal of  
Governing Body

**RESOLUTION FOR PLAN REVISION  
FOR NEW LAND DEVELOPMENT**

RESOLUTION OF THE (SUPERVISORS)(COMMISSIONERS)(COUNCILMEN) of Cheltenham  
(TOWNSHIP)(BOROUGH) (CITY), Montgomery COUNTY, PENNSYLVANIA (hereinafter "the municipality").

**WHEREAS** Section 5 of the Act of January 24, 1966, P.L. 1535, No. 537, known as the "Pennsylvania Sewage Facilities Act", as Amended, and the rules and Regulations of the Pennsylvania Department of Environmental Protection (Department) adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania Code, require the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters of the Commonwealth and/or environmental health hazards from sewage wastes, and to revise said plan whenever it is necessary to determine whether a proposed method of sewage disposal for a new land development conforms to a comprehensive program of pollution control and water quality management, and

**WHEREAS** Matrix CBH, L.P. has proposed the development of a parcel of land identified as  
land developer

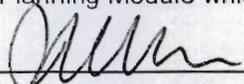
Wyngate II, and described in the attached Sewage Facilities Planning Module, and  
name of subdivision

proposes that such subdivision be served by: (check all that apply),  sewer tap-ins,  sewer extension,  new treatment facility,  individual onlot systems,  community onlot systems,  spray irrigation,  retaining tanks,  other, (please specify).

**WHEREAS**, Cheltenham Township finds that the subdivision described in the attached  
municipality

Sewage Facilities Planning Module conforms to applicable sewage related zoning and other sewage related municipal ordinances and plans, and to a comprehensive program of pollution control and water quality management.

**NOW, THEREFORE, BE IT RESOLVED** that the (Supervisors)(Commissioners)(Councilmen) of the (Township) (Borough) (City) of Cheltenham hereby adopt and submit to the Department of Environmental Protection for its approval as a revision to the "Official Sewage Facilities Plan" of the municipality the above referenced Sewage Facilities Planning Module which is attached hereto.

I , Secretary, Cheltenham  
(Signature)

Township Board of Supervisors (Borough Council) (City Councilmen), hereby certify that the foregoing is a true copy of the Township (Borough) (City) Resolution # 24-15, adopted, September 16, 2015.

Municipal Address:

Cheltenham Township  
8230 Old York Road  
Elkins Park, PA 19027  
Telephone (215) 887-1000

Seal of  
Governing Body

ORDINANCE NO. 2313-15

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF CHELTENHAM, CHAPTER 285 THEREOF, ENTITLED VEHICLES AND TRAFFIC, BY AMENDING CERTAIN STREET AND PARKING REGULATIONS.

The Board of Commissioners of the Township of Cheltenham hereby ordains:

**SECTION 1.** The Code of the Township of Cheltenham, Chapter 285, Article IV, entitled Schedule of Traffic Regulations, Section 285-43 thereof is hereby amended by **ADDING** the following:

- KESWICK AVENUE (19) HANDICAPPED PARKING at 150 South Keswick Avenue  
WISTAR DRIVE (C) NO PARKING HERE TO CORNER, north side, from Washington Lane to 59 feet  
WISTAR DRIVE (D) NO PARKING HERE TO CORNER, south side, from Washington Lane to 55 feet

**SECTION 2.** That in all other respects Chapter 285 of the Code of the Township of Cheltenham is hereby approved and accepted as amended, and shall continue in full force and effect.

**SECTION 3.** This Ordinance shall take effect and be in force from and after its approval as required by law.

ENACTED into an Ordinance this 21<sup>st</sup> day of October, 2015.

BOARD OF COMMISSIONERS  
TOWNSHIP OF CHELTENHAM

*Harvey Portner*

By \_\_\_\_\_  
Harvey Portner, President

*Bryan T. Havir*

ATTEST: \_\_\_\_\_  
Bryan T. Havir, Township Manager

*A Resolution No. 25-15  
of the Board of Commissioners of Cheltenham Township*

*Whereas,* THE BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, Montgomery County, Pennsylvania, with great admiration and deep respect, honors **THEODORE "TED" MARLEY** of Cheltenham for 70 years of dedicated service as a member of the Cheltenham Hook and Ladder Fire Company; and

*Whereas,* Following in the footsteps of his father "Pop" Marley and older brother Ben, **TED MARLEY** joined the volunteer fire company in 1945. He was one of the few members who not only drove the trucks but also maintained them, keeping the fleet in ready condition for decades. He was also instrumental in the company's purchase of the Township's first AEROSPACE elevated platform to meet the growing need for midrise firefighting and rescues; and

*Whereas,* **TED MARLEY**, who was also a Cheltenham Township Police Sergeant, served the fire company as Assistant Engineer, Chief Engineer, Board of Director Member, and Chairman of the Board. Although no longer responding to fire calls, Life Member **TED MARLEY** continues to visit the fire station with his daughter Linda to share his wisdom and expertise.

NOW, THEREFORE, BE IT RESOLVED that the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, duly convened in regular session this Sixteenth Day of September, A.D., 2015, does hereby officially honor **TED MARLEY** for his extraordinary service to the community as a volunteer firefighter for 70 years. It is further directed that this Resolution be spread in full upon the minutes of this meeting and that a copy thereof be presented to Mr. Marley at the Cheltenham Hook and Ladder Company Banquet on September 12, 2015.

IN WITNESS WHEREOF, I, HARVEY PORTNER, President of the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, have hereunto set my hand and caused the Seal of the Township of Cheltenham to be made a part thereof. DONE AT ELKINS PARK, PENNSYLVANIA, in the year of the Township of Cheltenham, the one hundred and sixteenth.

**BOARD OF COMMISSIONERS  
OF CHELTENHAM TOWNSHIP**

*Harvey Portner*

By: \_\_\_\_\_  
Harvey Portner, President

*Bryan T. Havir*

Attest: \_\_\_\_\_  
Bryan T. Havir  
Township Manager and Secretary

**CHELTENHAM TOWNSHIP  
RESOLUTION NO. 26-15**

**RESOLUTION INCREASING CERTAIN FEES  
AND ADDING NEW FEES**

**BE IT RESOLVED**, and it is hereby resolved this 16<sup>th</sup> day of September, A.D. 2015 by the Board of Commissioners of Cheltenham Township that:

**WHEREAS**, Cheltenham Township desires to increase the fee for the erection of temporary tents or structures to be used for commercial purposes in commercial areas and has not established a fee for signs to be affixed to temporary tents or structures used for commercial purposes in commercial areas; and

**WHEREAS**, Cheltenham Township has not established a fee for vendors engaged in transient sales; and

**WHEREAS**, the Cheltenham Township Board of Commissioners has established an administrative policy to require an application and escrow fee for obtaining Equivalent Dwelling Units (EDUs) for connection to the Township's sanitary sewer system; and

**WHEREAS**, Cheltenham Township has the right to set fees pursuant to Chapter A300 of the Cheltenham Township Code; and

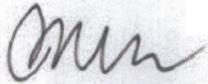
**NOW THEREFORE, BE IT RESOLVED**, the Board of Commissioners of the Township of Cheltenham deems that it is in the best interest of the Township and its citizens to increase and add the following fees effective October 22, 2015:

1. Chapter A300, entitled "Fees," Section A300-4., entitled "Building Construction," §A300-4.A.2.(b)[3] is revised to read: Temporary tents or structures to be used for commercial purposes in commercial areas: a fee of \$100 per day, for a maximum of 10 days. Permits for signs affixed to temporary tents or structures used for commercial purposes in commercial areas shall require a fee of \$25 per sign.
2. Chapter A300, entitled "Fees," Section A300-18., entitled "Peddlers, Solicitors and Transient Vendors," is hereby amended by adding the following new §A300-18.D., which shall read: Transient Sales: a fee of \$100 per vendor, per day, for a maximum of 10 days.
3. Chapter A300, entitled "Fees," Section A300-16., entitled "Sewers," is hereby amended by adding the following new §A300-16.C., which shall read as follows:
  - C. Administrative Application Fee for Equivalent Dwelling Units (EDUs) for Residential and Non Residential Uses
    - (1) Application Fee \$150
    - (2) Escrow Fee \$500, Residential, refundable & replenishable  
\$2,500, Non Residential, refundable and replenishable

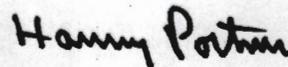
**I HEREBY CERITIFY** that the foregoing Resolution by the Board of Commissioners of the Township of Cheltenham, County of Montgomery, Commonwealth of Pennsylvania, at its meeting held at Curtis Hall, 1250 West Church Road, Wyncote, Pennsylvania 19095 on this 16<sup>th</sup> day of September A.D. 2015, in the year of the Township of Cheltenham the one hundred and sixteenth.

ATTEST:

TOWNSHIP OF CHELTENHAM  
BOARD OF COMMISSIONERS



\_\_\_\_\_  
Bryan T. Havir  
Township Manager and Secretary



By: \_\_\_\_\_  
Harvey Portner, President

**CHELTENHAM TOWNSHIP  
BOARD OF COMMISSIONERS**

**MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA**

**RESOLUTION NO. 27-15**

**KERLIN FARMS SKETCH PLAN, a/k/a  
THE ENCLAVE AT KERLIN FARMS,  
CTDA NO. 15-09**

---

**WHEREAS**, 1050 Ashbourne Associates, LLC (“Applicant”) filed a sketch plan proposing three (3), four-story multi-family buildings containing a total of seventy-nine (79) age-restricted units in the R-4 Residential District, seeking application of the Age-Restricted Overlay District to the site (“Kerlin Farms Sketch Plan”); and

**WHEREAS**, proposed buildings Nos. 1, 2 and 3 will contain, respectfully, thirty-one (31) dwelling units, twenty-four (24) dwelling units and twenty-four (24) dwelling units; and

**WHEREAS**, the Applicant has previously obtained zoning relief in the form of a special exception approval as well as certain variances pursuant to Zoning Hearing Board Appeal No. 3437; and

**WHEREAS**, Section 295-187 of the Cheltenham Township Code (“Code”) provides that the Preservation Overlay District is an overlay “upon all parcels having five or more acres or any residential site with a development proposal of eight dwelling units or more within any residential district designated on the Cheltenham Township Zoning Map”; and

**WHEREAS**, the Kerlin Farms Sketch Plan proposes seventy-nine (79) dwelling units on a seven (7) acre parcel in the R-4 Residential District of the Township; and

**WHEREAS**, the Township, through its Solicitor, notified the Applicant’s counsel by correspondence in December 2014 of the applicability of the Preservation Overlay District to the Applicant’s proposal for 1050 Ashbourne Road, and after a response from the Applicant’s counsel, the Solicitor sent a second letter to the Applicant’s counsel dated March 10, 2015 (see correspondence attached hereto as Exhibits “A” and “B”); and

**WHEREAS**, the Applicant's representatives appeared at a public meeting of the Public Works Committee of Cheltenham Township on September 9, 2015 at which the review of the Kerlin Farms Sketch Plan was discussed; and

**WHEREAS**, at said public meeting when questioned about the applicability of the Preservation Overlay District Ordinance, Article XXIV of the Township Zoning Ordinance, the Applicant's counsel maintained that none of the provisions of the Preservation Overlay District Ordinance applied to the Kerlin Farms Sketch Plan; and

**WHEREAS**, it is the Township's understanding that those portions of the Preservation Overlay District Ordinance, which are not in conflict with the provisions of the Age-Restricted Overlay District, Sections 295-240 through 295-244 of the Code (since repealed), apply to any proposal under the Age-Restricted Overlay District which qualifies for preservation under Sections 295-186 through 295-191 of the Code; and

**WHEREAS**, Section 295-189.E. of the Code provides that "no more than eight (8) units shall be allowed in a new structure" within the Preservation Overlay District; and

**WHEREAS**, the Applicant proposes more than eight (8) units in each of the three (3) buildings proposed under its sketch plan.

**NOW, THEREFORE**, the Board of Commissioners of Cheltenham Township, in session duly assembled, **RESOLVES** as follows:

1. All of the above paragraphs are incorporated herein by reference as though set forth at length herein.
2. The Kerlin Farms Sketch Plan, a/k/a The Enclave at Kerlin Farms, CTDA No. 15-09, located at 1059 Ashbourne Road, Cheltenham Township, Montgomery County, Pennsylvania is hereby **DENIED** on the basis that: (a) each of the three (3) proposed buildings contain more than eight (8) dwelling units in each new structure in violation of Section 295-189.E of the Code; and

(b) the proposed height of the buildings is forty-seven (47') feet and four (4) stories, a violation of Section 295-243.F.(1) of the Code.

3. In addition, the Applicant has not sought any variance from the Zoning Hearing Board, either during Appeal No. 3437, or after December 2014 when the Applicant was notified in writing regarding the applicability of the Preservation Overlay District Ordinance.

4. It should be noted that the Applicant rejected a request from the Township to extend the time for consideration of the required sketch plan (required pursuant to Section 260-35.A. of the Cheltenham Township Code (Subdivision and Land Development Ordinance) by one (1) month.

5. The attached correspondence is incorporated herein by reference as though set forth at length herein.

**ADOPTED** this 16<sup>th</sup> day of September, 2015 by the Board of Commissioners of Cheltenham Township, in lawful session, duly assembled.

**CHELtenham TOWNSHIP**

*Harvey Portner*

By: \_\_\_\_\_

Harvey Portner, President  
Board of Commissioners

*Bryan T. Havir*

Attest: \_\_\_\_\_

Bryan T. Havir, Manager/Secretary

**EXHIBIT "A"**

**EXHIBIT "B"**

**HUGHES, KALKBRENNER & OZOROWSKI, LLP**

Attorney for Appellant

By: Edward J. Hughes, Esquire  
Attorney I. D. #21021  
Suite 205  
1250 Germantown Pike  
Plymouth Meeting, PA 19462  
(610) 279-6800  
Telecopier No. (610)279-9390  
Email: ehughes@hkolaw.com

---

IN RE: APPEAL OF SWIFT & CHOI : IN THE COURT OF COMMON PLEAS  
DEVELOPMENT, LLC FROM THE : OF MONTGOMERY COUNTY, PA  
DECISION DATED SEPTEMBER 3, 2014 :  
OF THE BOARD OF COMMISSIONERS OF : NO. 2014-27154  
CHELTENHAM TOWNSHIP : LAND USE APPEAL

**STIPULATION AND SETTLEMENT AGREEMENT**

**THIS STIPULATION AND SETTLEMENT AGREEMENT** (this "Agreement"), is made and executed as of this day of , 2015 by and between Swift & Choi Development, LLC (the "Applicant" or "Appellant") by Edward J. Hughes, Esquire, and the Board of Commissioners of Cheltenham Township (the "Board" or "Appellee") by Joseph M. Bagley, Esquire (collectively the "Parties") as follows:

**BACKGROUND:**

A. Appellant is the owner of an approximate 8 acre parcel of land located at 1900 Ashbourne Road in the Cheltenham Township's M2-Multiple Dwelling District, Parcel No. 31-00-01225-01-3 (Block 172, Unit 13) (the "Property").

B. On December 11, 2013, Appellant submitted an Application to the Board seeking permission to develop the Property under the underlying M2-Multiple Dwelling District provisions rather than the provisions of the Preservation Overlay District by conditional use pursuant to Section 295-191 of the Cheltenham Township Zoning Code (the "Code").

C. After six (6) public hearings before the Board, the Board

issued a written Decision on September 3, 2014 which granted conditional use approval to develop the Property under the M2-Multiple Dwelling District provisions of the Code with one hundred forty-five (145) multiple dwellings, subject to ten (10) conditions (the "Decision").

D. Applicant filed a Land Use Appeal (the "Appeal") from the imposition of Condition Nos. 2 and No. 10 of the Decision.

E. The Parties to this Agreement, in order to avoid continued litigation and additional expense, have agreed to resolve the outstanding legal issues raised in the Appeal and enter into this Agreement to be approved by the Court on the terms set forth below.

**NOW THEREFORE**, the Parties to this Agreement, in recognition of the mutual covenants, terms, provisions and understandings set forth in this Agreement, and intending to be legally bound hereby, agree as follows:

1. The Court has jurisdiction over the Parties and the subject matter of this action.

2. Counsel certify that they have full authority from their respective clients to enter into this Stipulation and to present it to the Court for approval.

3. This Stipulation is contingent upon approval by the Court, and if not so approved, shall be null and void and of no force and effect.

4. This Stipulation shall be binding upon and inure to the benefit of the Parties and their respective successors and assigns.

5. The Parties agree that if this Stipulation is approved, the approval thereof shall not be appealable by either party, and each party expressly waives and relinquishes any right of appeal in connection with the approval of this Stipulation and its entry as a Court Order.

6. Condition No. 2 (the proposed multiple dwelling building shall be no more than three (3) floors, including the ground floor) and Condition No. 10 (the Applicant shall reconsider and reevaluate the architectural design and appearance of the multi-story building and in

doing so, utilize brick, stone (natural or manmade), stucco, wood or other approved materials on at least 75% of all building facades which face residentially zoned property or properties with a predominately residential character shall be designed to complement those uses) are stricken.

7. The following conditions are made a part of the Decision in addition to Conditions 1, 3, 4, 5, 6, 7, 8 and 9 of the Decision:

(a) The proposed multiple dwelling building (the "Building") shall be no more than four (4) floors (exclusive of the parking/garage level) and shall not be more than fifty-five (55) feet in height.

(b) The Applicant shall redesign the Site Plan in order to provide for parking of motor vehicles under all or portions of the Building.

(c) The total number of parking spaces on the Property shall not exceed two hundred sixty (260) and no more than one hundred eighty-eight (188) parking spaces shall be located on the surface of the Property (exclusive of the parking garage), and the Applicant shall use its best efforts to maximize the number of parking spaces in the parking garage.

(d) The total number of multi-family units on the Property shall not exceed one hundred thirty (130).

(e) There shall be a minimum ninety foot (90') front yard building setback from the street line on Ashbourne Road, and the building footprint of the Building shall be substantially similar to the drawing prepared by Harold Lichtman dated November 26, 2013, last revised June 12, 2015. In the event of a dispute as to whether the Building footprint is "substantially similar to the drawing" as set forth above, the Parties agree that Robert L. Brant, Jr, Esquire shall act as an arbitrator with regard to that issue only and after a hearing will make a determination with regard to the Building footprint being substantially similar to the drawing identified in paragraph 7(c). The Parties will equally share the costs for the arbitrator.

(f) The Applicant shall install a substantial number of trees and landscaping along Ashbourne Road as more fully determined during the land development review process. The Parties shall not call upon the Court to interpret the phrase "a substantial number of trees and landscaping along Ashbourne Road" as set forth in this subparagraph 7(f), and any issue with regard to the "substantial number of trees and landscaping along Ashbourne Road" shall be resolved during the land development process or on appeal therefrom.

(g) The Applicant will endeavor to use more traditional building materials and a more traditional appearance for the Building façade, but in no event shall the aesthetic appearance of the facade or the architectural design of the Building be a basis for the denial of land development approval or building permits.

(h) The Township shall not interfere with access by the Applicant to the normal process for sewer connections and will process such applications by the Applicant in good faith.

(i) All use and development permitted by the Decision shall conform to the exhibits and testimony presented by the Applicant, unless inconsistent with any specific conditions imposed by the Board or contained in this Agreement, in which case such specific conditions shall take precedence.

8. The terms and conditions of this Agreement shall be binding upon each of the Parties and their respective successors and assigns.

9. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original but all of which taken together shall constitute one and the same instrument.

10. This Agreement shall be construed and enforced in accordance with the laws of the Commonwealth of Pennsylvania.

11. This Agreement may be modified or amended only by a writing signed on behalf of each of the Parties hereto.

12. The Court shall retain continuing jurisdiction of the Parties and the subject matter hereof to ensure faithful compliance with

the terms of this Order and the Parties' Stipulation.

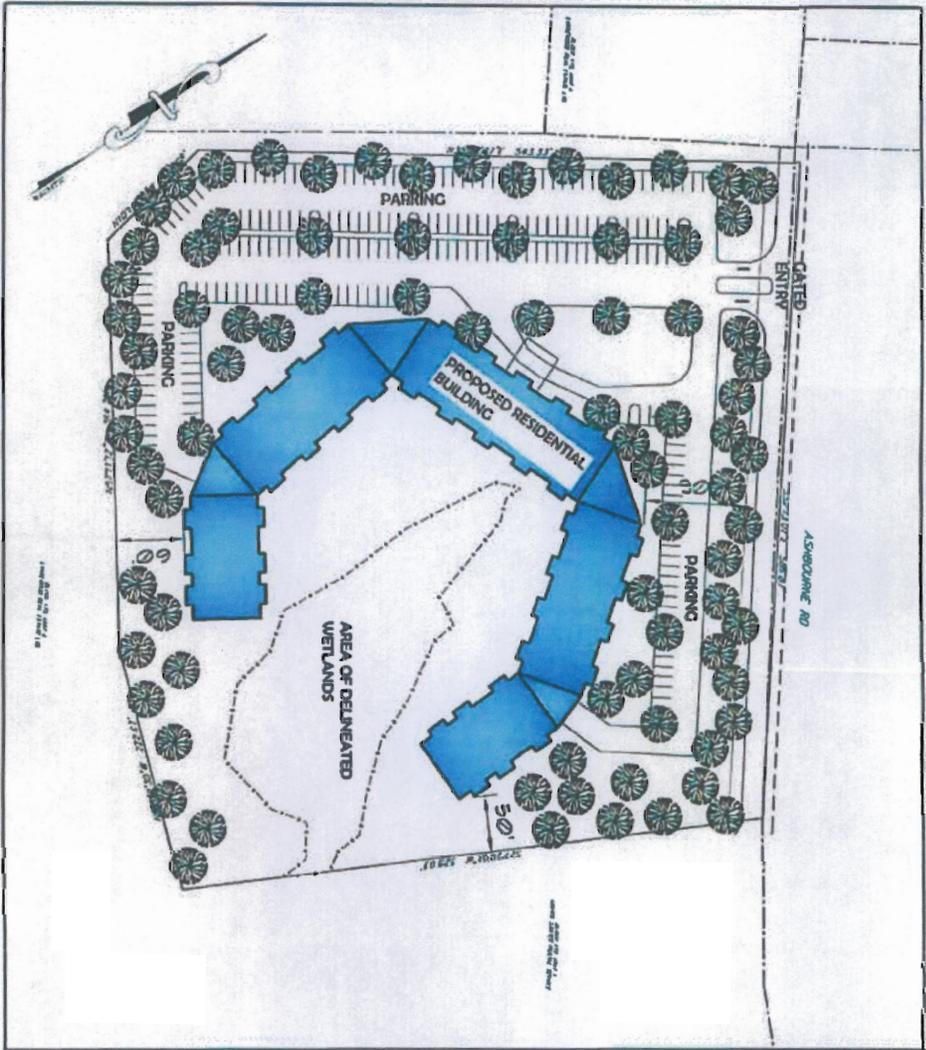
**HUGHES, KALKBRENNER & OZOROWSKI, LLP**

By: \_\_\_\_\_  
Edward J. Hughes, Esquire  
Attorney for Appellant

**WISLER PEARLSTINE, LLP**

By: \_\_\_\_\_  
Joseph M. Bagley, Esquire  
Attorney for Appellee





**PROPOSED SITE DEVELOPMENT PLAN**  
 SCALE: 1" = 50'

**SITE INFORMATION**

PANEL ID # 3-00-023-0-1      BLOCK# 1 LOT 9  
 OWNER:      SPT & DGR INVESTMENTS LLC  
 1821 N. HUNTER STREET - 3RD FLOOR  
 ARLINGTON, VA 22209

ZONING DISTRICT:      R2      PREVIOUSLY:      R2

STREET AREA:      2,800 SQ FT      ACTUAL:      2,750 SQ FT

ROAD FRONTAGE:      97' 0"      NOT SPECIFIED

BUILDING AREA:      42,700 SQ FT      22,000 SQ FT

STAIRS:      47' 0"      47' 0"

PROPOSED:      27' 0"      27' 0"

REAR:      27' 0"      27' 0"

OPEN AREA:      275' 0"      275' 0"

BUILDING HEIGHT:      65' MAX      45'

DENSITY:      28      28

AREA OF DELINEATED WETLANDS:      140      140

**GTP ARCHITECTS, PC**  
 ARCHITECTS  
 400 CHESTNUT STREET  
 WILMINGTON, PA 19106

**PROPOSED DEVELOPMENT PLAN**

FOR  
**ASHBOURNE ESTATES**  
 1900 ASHBOURNE ROAD  
 ELKINS PARK PA 19127

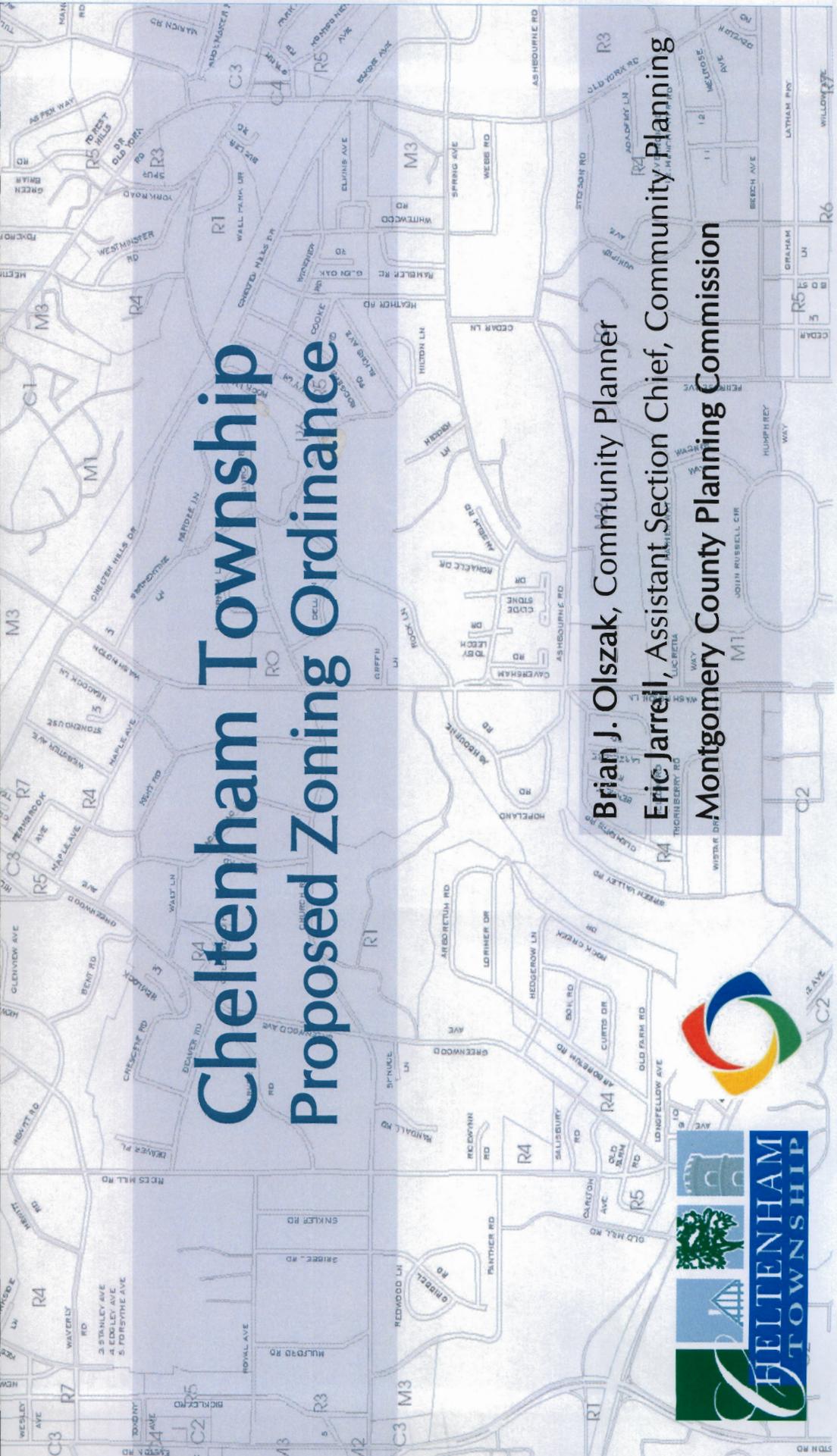
REVISION: 01 FEB 2014  
 DATE: 28 NOV 2013  
 SCALE: 1" = 50' NETTED  
 PROJ. NO.: 10273

© COPYRIGHT 2013  
**PS-1**



# Cheltenham Township Proposed Zoning Ordinance

Brian J. Olszak, Community Planner  
Eric Jarrell, Assistant Section Chief, Community Planning  
Montgomery County Planning Commission

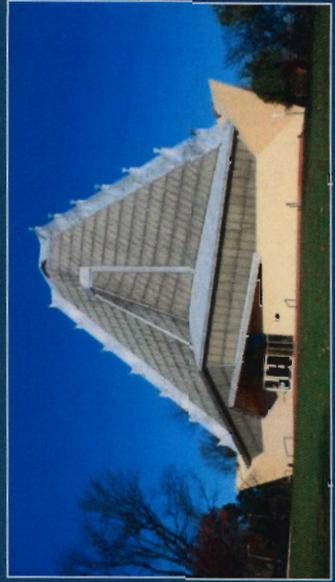
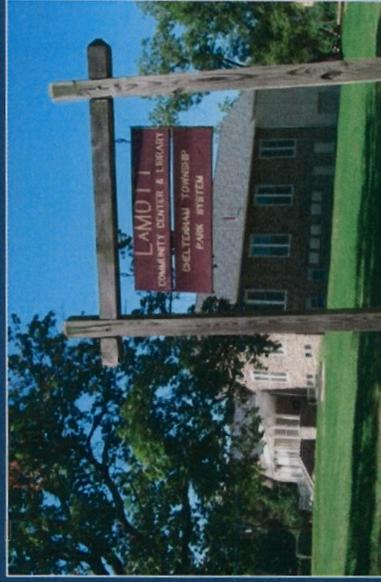




## Overview



- ▶ Recap of Process
- ▶ Review of Public Meeting Feedback
- ▶ Overview of Changes from Nov. 2013 Draft
- ▶ Zoning Map Changes
- ▶ Overlay Districts Changes
- ▶ Use Regulations Changes
- ▶ General Regulations Changes





# Recap of Process



1929

Zoning Ordinance Written

1930 Census:

15,731

Residents

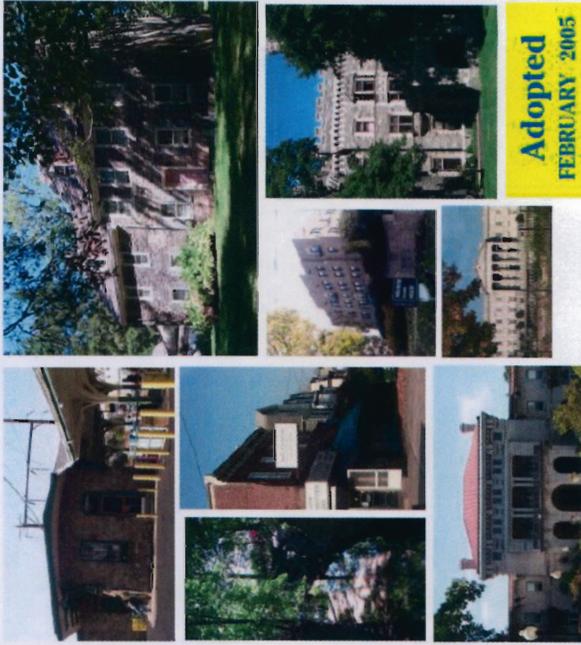
1964

Last major update and rewrite of the Zoning Ordinance

2005

Cheltenham Township Comprehensive Plan Adopted

## Cheltenham Township COMPREHENSIVE PLAN



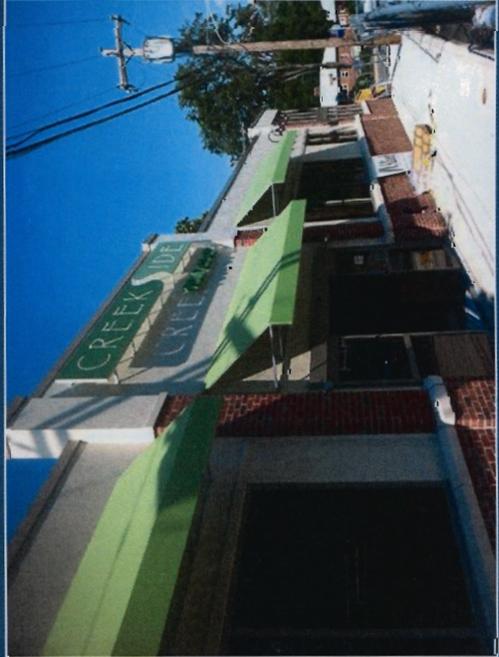
Adopted  
FEBRUARY 2005



## Recap of Process

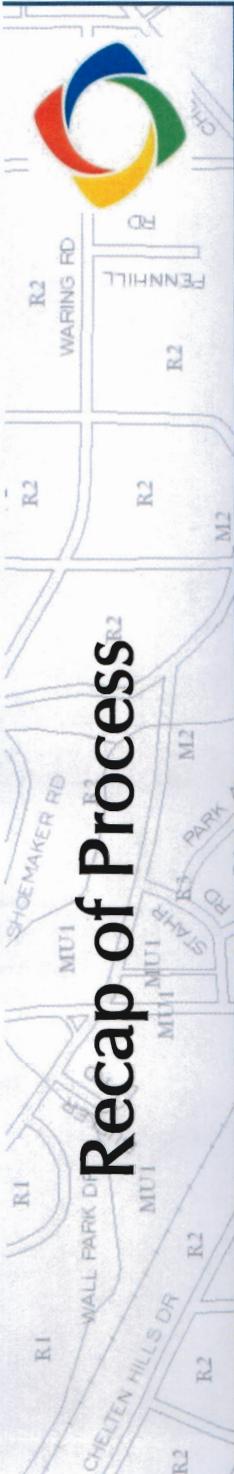
### The Zoning Ordinance Revision Will:

- Modernize and overhaul Use Regulations
- Consolidate and streamline zoning districts
- Add and improve Sustainability and Open Space standards
- Ensure clarity, relevance, and ease of use
- Conform with recent state/federal laws and current best practices
- *Expand the tax base*





# Recap of Process



**2005**  
Cheltenham Township  
Adopts a Comprehensive  
Plan

**2005**  
Ad-Hoc Zoning  
Subcommittee is formed to  
write the Zoning Ordinance  
in compliance with the  
Comprehensive Plan

**2013**  
Ad-Hoc Zoning  
Subcommittee completes  
the final draft of the  
Zoning Ordinance

**2014**  
Number of public outreach  
meetings are held to discuss  
draft of the Zoning Ordinance

**2014 - 2015**  
Select Committee edits  
Zoning Ordinance draft,  
incorporating public  
feedback and additional  
updates

**2015**  
Report back to Board of  
Commissioners with revised  
Final Draft

Key of References:  
Existing Ordinance ⇨ Current-ZO  
Ordinance First Proposed  
for Review in 2013-2014 ⇨ 2013-ZO  
Ordinance Proposed  
Today, September 2015 ⇨ 2015-ZO



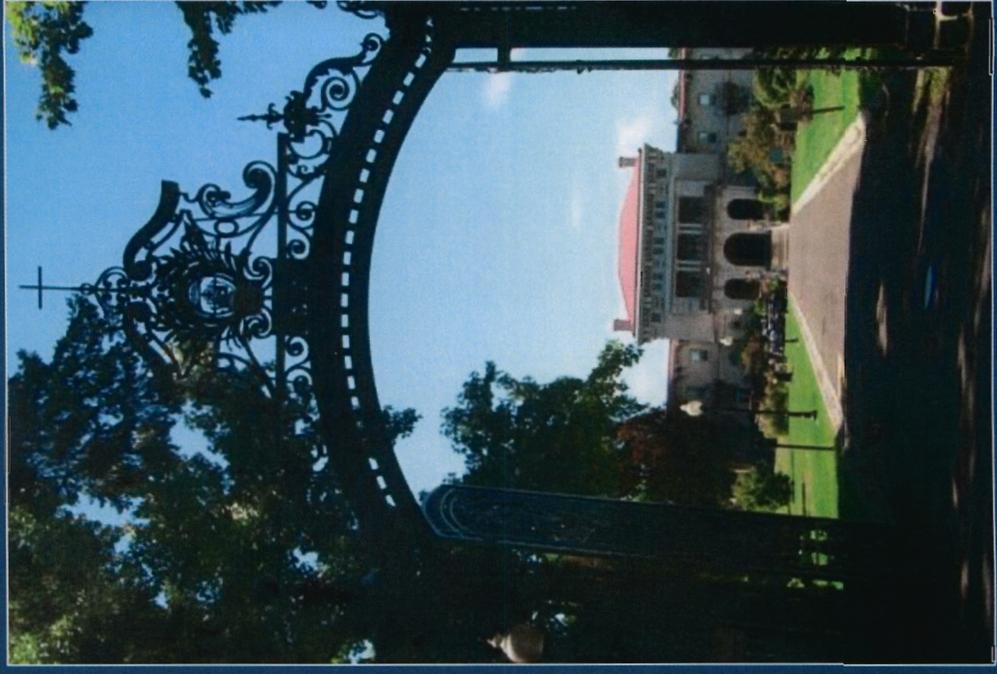
# Public Meeting Feedback from 2013-20



▶ Provide more predictability to Township on how Overlays apply:

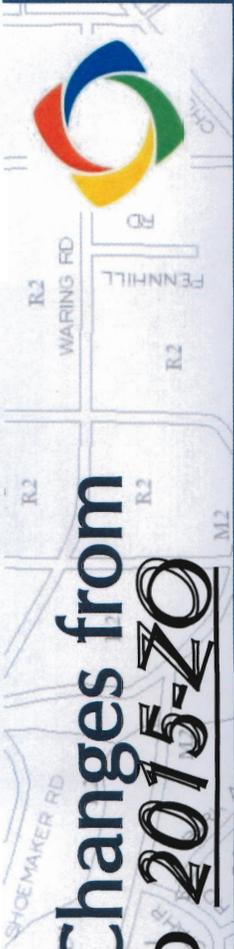
- ▶ Mixed Use
- ▶ Campus Development
- ▶ Age Restricted
- ▶ Cluster Overlay

▶ More areas might benefit from being mixed use





# Overview of Changes from 2013-ZO to 2015-ZO



- ▶ Added the following Mapped Districts:
  - ▶ MU3 – Mixed Use District (formerly an overlay district)
- ▶ Deleted the following Overlay Districts:
  - ▶ ARO – Age-Restricted Residential Overlay District
  - ▶ CRO – Cluster Residential Overlay District
  - ▶ MU3 – Mixed Use Overlay District (now mapped district)
- ▶ Amended Campus Development Overlay for clarity and more oversight of applicability
- ▶ Added several more definitions
- ▶ Added 11 more uses
- ▶ Deleted 2 uses
- ▶ Added all accessory uses applicable to mapped districts



## Overview of Changes from 2013-ZO to 2015-ZO



- ▶ Made substantive changes to a number of use regulations
- ▶ Changed all conditional uses to special exceptions
- ▶ Added “Wireless Telecommunications Facilities” Regulations
- ▶ Numerous smaller edits to various sections for:
  - ▶ clarity, consistency and typographical errors, including section cross-references.





# Mapped Zoning Districts



## 2015-ZO Zoning Districts\*

- Residential
  - R1
  - R2
  - R3
  - R4
- Multifamily Residential
  - M1
  - M2
- Commercial
  - C1
  - C2
- Mixed Use
  - MU1
  - MU2
  - **MU3**
- Light Industrial
  - LI

## Current-ZO Zoning Districts

- Residential:
  - R1
  - R2
  - R3
  - R3A
  - R4
  - R5
  - R6
  - R7
  - R8
  - RO
  - LC
- Multifamily Residential
  - M1
  - M2
  - M3
  - M4
- Commercial
  - C1
  - C2
  - C3
  - C4
- Manufacturing and Industrial
  - G

\*Note: Even though many districts have identical names in both 2015-ZO and Current-ZO, they do **not** share the same regulations (i.e. Current R1 ≠ Proposed 2015 R1)

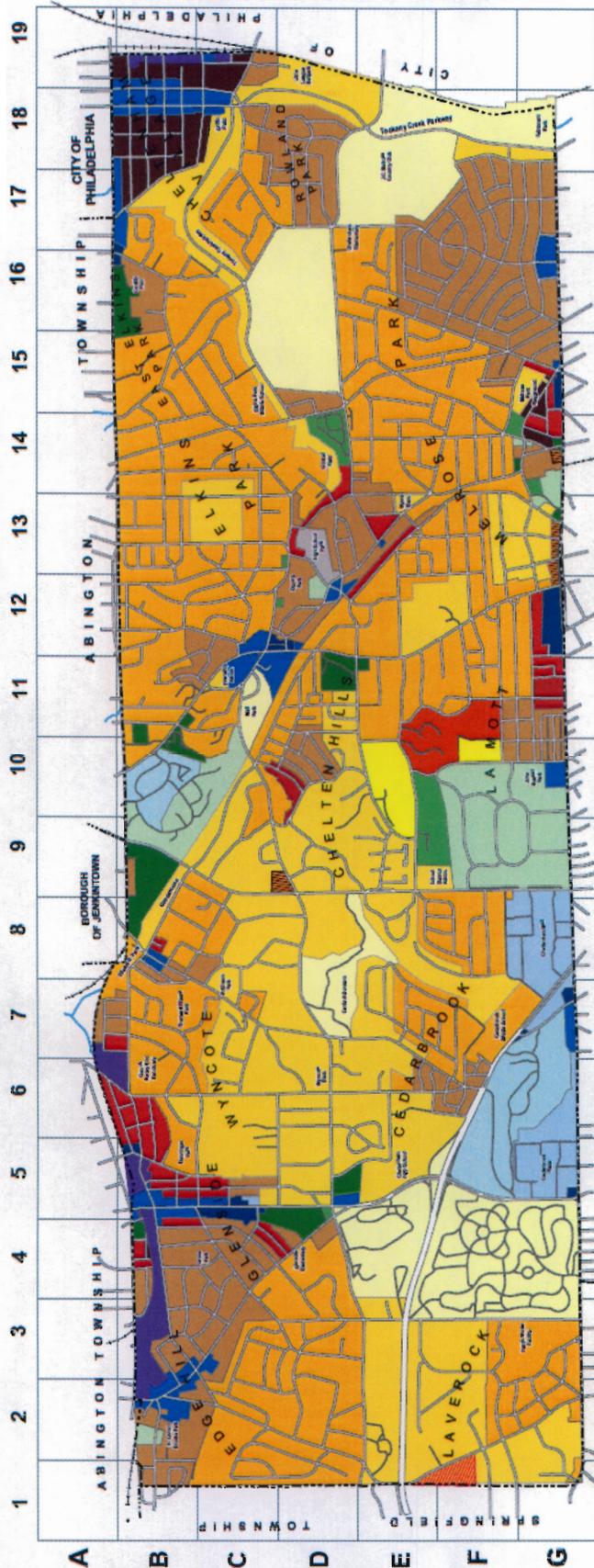


# Mapped Zoning Districts

**Current-ZO**



## CHELTENHAM TOWNSHIP Existing Zoning, as of August 2015



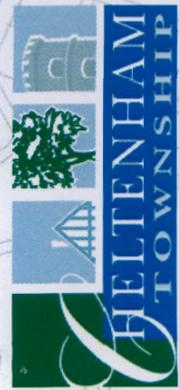
- Current Zoning Districts**
- R1 - Residential
  - R2 - Residential
  - R3 - Residential
  - R3A - Residential
  - R4 - Residential
  - R5 - Residential
  - R6 - Residential
  - R7 - Residential
  - R8 - Residential
  - LC - Life Care Facility
  - RC - Residential & Office
  - M1 - Multiple Dwelling
  - M2 - Multiple Dwelling
  - M3 - Multiple Dwelling & Office
  - M4 - Multiple Dwelling and Other Use District

- Nonresidential Districts**
- C1 - Commercial
  - C2 - Commercial & Business
  - C3 - Commercial & Business
  - C4 - Commercial & Business
  - G - Manufacturing & Industrial



Montgomery County Planning Commission  
 600 Locust Street, Suite 200  
 Philadelphia, PA 19106  
 Tel: 215.252.2222 ext. 210, 273, 3401  
 Fax: 215.252.2222  
 www.mcpcc.org

Scale: 0 750 1500 3000 Feet

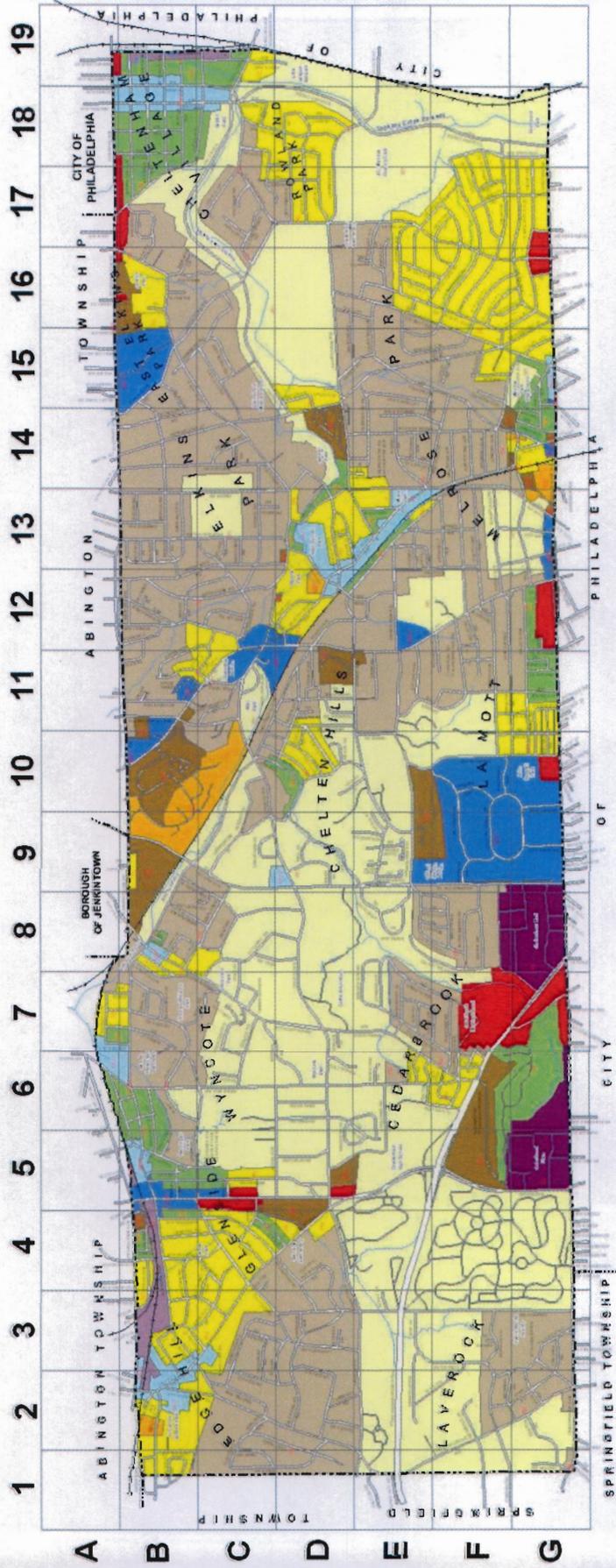


# Mapped Zoning Districts

## 2013-ZO



## CHELTENHAM TOWNSHIP Proposed Zoning Map



- Proposed Zoning Districts**
- Residential Districts:
    - R1 - Single-Family Detached
    - R2 - Single-Family Detached
    - R3 - Single-Family Detached
    - R4 - Single-Family Detached
    - R5 - Single-Family Detached
    - R6 - Single-Family Detached
    - R7 - Single-Family Detached
    - R8 - Single-Family Detached
  - Commercial Districts:
    - C1 - Community Office
    - C2 - Office
    - C3 - Office
    - C4 - Office
    - C5 - Office
    - C6 - Office
    - C7 - Office
    - C8 - Office
    - C9 - Office
    - C10 - Office
    - C11 - Office
    - C12 - Office
    - C13 - Office
    - C14 - Office
    - C15 - Office
    - C16 - Office
    - C17 - Office
    - C18 - Office
    - C19 - Office
    - C20 - Office
    - C21 - Office
    - C22 - Office
    - C23 - Office
    - C24 - Office
    - C25 - Office
    - C26 - Office
    - C27 - Office
    - C28 - Office
    - C29 - Office
    - C30 - Office
    - C31 - Office
    - C32 - Office
    - C33 - Office
    - C34 - Office
    - C35 - Office
    - C36 - Office
    - C37 - Office
    - C38 - Office
    - C39 - Office
    - C40 - Office
    - C41 - Office
    - C42 - Office
    - C43 - Office
    - C44 - Office
    - C45 - Office
    - C46 - Office
    - C47 - Office
    - C48 - Office
    - C49 - Office
    - C50 - Office
    - C51 - Office
    - C52 - Office
    - C53 - Office
    - C54 - Office
    - C55 - Office
    - C56 - Office
    - C57 - Office
    - C58 - Office
    - C59 - Office
    - C60 - Office
    - C61 - Office
    - C62 - Office
    - C63 - Office
    - C64 - Office
    - C65 - Office
    - C66 - Office
    - C67 - Office
    - C68 - Office
    - C69 - Office
    - C70 - Office
    - C71 - Office
    - C72 - Office
    - C73 - Office
    - C74 - Office
    - C75 - Office
    - C76 - Office
    - C77 - Office
    - C78 - Office
    - C79 - Office
    - C80 - Office
    - C81 - Office
    - C82 - Office
    - C83 - Office
    - C84 - Office
    - C85 - Office
    - C86 - Office
    - C87 - Office
    - C88 - Office
    - C89 - Office
    - C90 - Office
    - C91 - Office
    - C92 - Office
    - C93 - Office
    - C94 - Office
    - C95 - Office
    - C96 - Office
    - C97 - Office
    - C98 - Office
    - C99 - Office
    - C100 - Office
  - Industrial Districts:
    - I1 - Light Industrial
    - I2 - Light Industrial
    - I3 - Light Industrial
    - I4 - Light Industrial
    - I5 - Light Industrial
    - I6 - Light Industrial
    - I7 - Light Industrial
    - I8 - Light Industrial
    - I9 - Light Industrial
    - I10 - Light Industrial
    - I11 - Light Industrial
    - I12 - Light Industrial
    - I13 - Light Industrial
    - I14 - Light Industrial
    - I15 - Light Industrial
    - I16 - Light Industrial
    - I17 - Light Industrial
    - I18 - Light Industrial
    - I19 - Light Industrial
    - I20 - Light Industrial
    - I21 - Light Industrial
    - I22 - Light Industrial
    - I23 - Light Industrial
    - I24 - Light Industrial
    - I25 - Light Industrial
    - I26 - Light Industrial
    - I27 - Light Industrial
    - I28 - Light Industrial
    - I29 - Light Industrial
    - I30 - Light Industrial
    - I31 - Light Industrial
    - I32 - Light Industrial
    - I33 - Light Industrial
    - I34 - Light Industrial
    - I35 - Light Industrial
    - I36 - Light Industrial
    - I37 - Light Industrial
    - I38 - Light Industrial
    - I39 - Light Industrial
    - I40 - Light Industrial
    - I41 - Light Industrial
    - I42 - Light Industrial
    - I43 - Light Industrial
    - I44 - Light Industrial
    - I45 - Light Industrial
    - I46 - Light Industrial
    - I47 - Light Industrial
    - I48 - Light Industrial
    - I49 - Light Industrial
    - I50 - Light Industrial
    - I51 - Light Industrial
    - I52 - Light Industrial
    - I53 - Light Industrial
    - I54 - Light Industrial
    - I55 - Light Industrial
    - I56 - Light Industrial
    - I57 - Light Industrial
    - I58 - Light Industrial
    - I59 - Light Industrial
    - I60 - Light Industrial
    - I61 - Light Industrial
    - I62 - Light Industrial
    - I63 - Light Industrial
    - I64 - Light Industrial
    - I65 - Light Industrial
    - I66 - Light Industrial
    - I67 - Light Industrial
    - I68 - Light Industrial
    - I69 - Light Industrial
    - I70 - Light Industrial
    - I71 - Light Industrial
    - I72 - Light Industrial
    - I73 - Light Industrial
    - I74 - Light Industrial
    - I75 - Light Industrial
    - I76 - Light Industrial
    - I77 - Light Industrial
    - I78 - Light Industrial
    - I79 - Light Industrial
    - I80 - Light Industrial
    - I81 - Light Industrial
    - I82 - Light Industrial
    - I83 - Light Industrial
    - I84 - Light Industrial
    - I85 - Light Industrial
    - I86 - Light Industrial
    - I87 - Light Industrial
    - I88 - Light Industrial
    - I89 - Light Industrial
    - I90 - Light Industrial
    - I91 - Light Industrial
    - I92 - Light Industrial
    - I93 - Light Industrial
    - I94 - Light Industrial
    - I95 - Light Industrial
    - I96 - Light Industrial
    - I97 - Light Industrial
    - I98 - Light Industrial
    - I99 - Light Industrial
    - I100 - Light Industrial



0 100 1500 2000 Feet

Montgomery County Planning Commission

MCPC

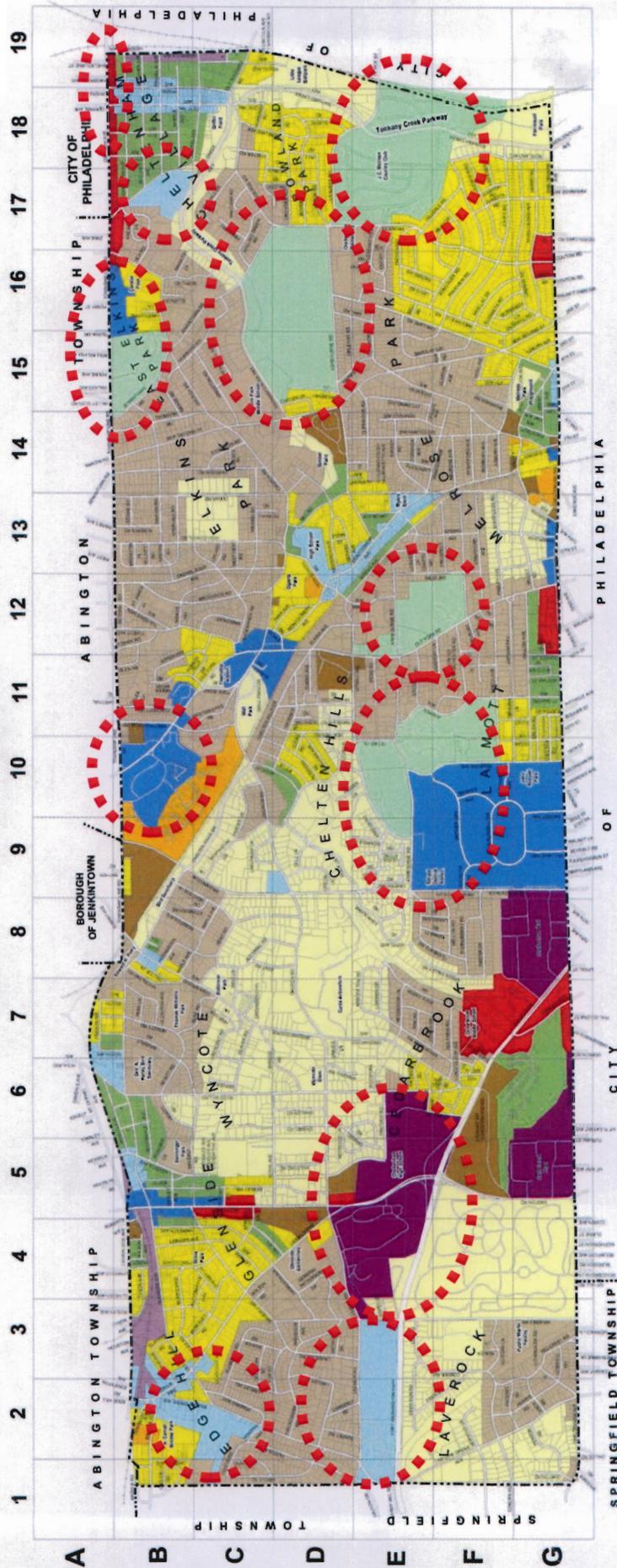


# Mapped Zoning Districts Proposed 2015-20 Zoning Map



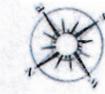
## CHELTENHAM TOWNSHIP

Proposed Zoning: June, 2015



Montgomery County Planning Commission  
 Montgomery County Courthouse - Planning Commission  
 PO Box 371 • Norristown PA 19384-0371  
 Phone: 610-261-1500  
 www.montgomeryplanning.com

The map is based on 2010 census data and other available research. It is not intended to be a legal document. It is for informational purposes only. It is not a substitute for a legal document. It is not a substitute for a legal document.



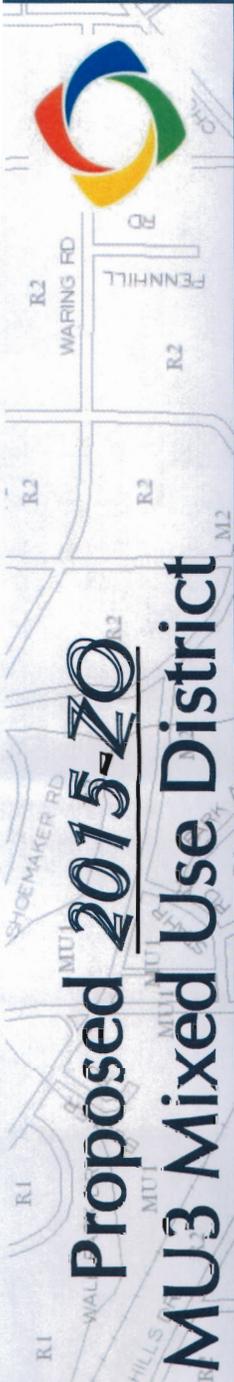
- Proposed Zoning Districts**
- Residential and Mixed Use Districts**
    - R1 - Residential District
    - R2 - Residential District
    - R3 - Residential District
    - R4 - Residential District
    - M1 - Multifamily Residential District
    - M2 - Multifamily Residential District
    - MU1 - Mixed Use District
    - MU2 - Mixed Use District
    - MU3 - Mixed Use District

- Nonresidential Districts**
  - C1 - Commercial District
  - C2 - Commercial District
  - L1 - Light Industrial District





## Proposed 2015-ZO MU3 Mixed Use District



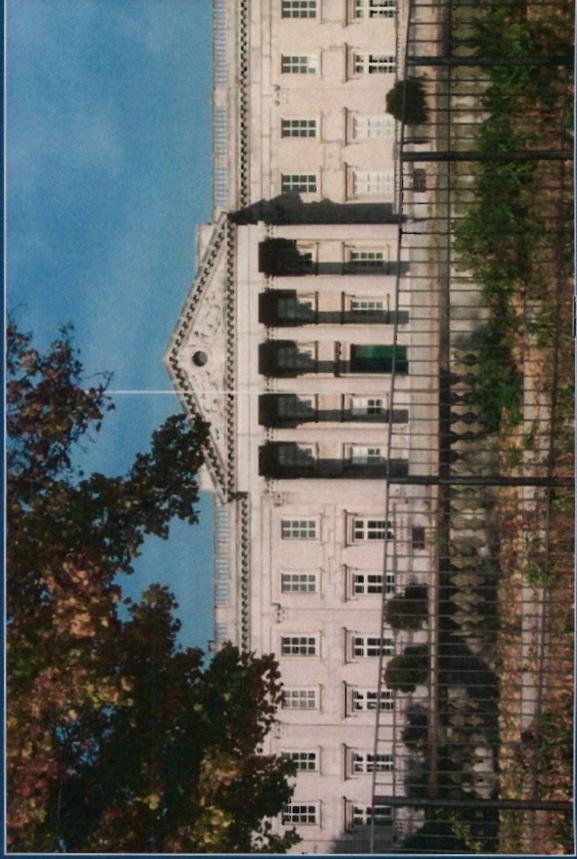
- ▶ Evolved from Mixed Use Overlay District
- ▶ Merged with M4
- ▶ Mapped onto most tracts to which Cluster Overlay would have applied
- ▶ Class One Developments
  - ▶ *Category A:* Tracts at least 1 and no more than 7 acres
  - ▶ *Category B:* Tracts greater than 7 acres
    - ▶ *Only Elkins Estate and Lynnewood Hall currently qualify*
- ▶ Class Two Developments
  - ▶ Tracts 10 acres or greater, with 200 ft frontage on major collector or greater
- ▶ Approved, with a Master Plan, as Special Exception



# Proposed 2015-ZO MU3 Mixed Use District

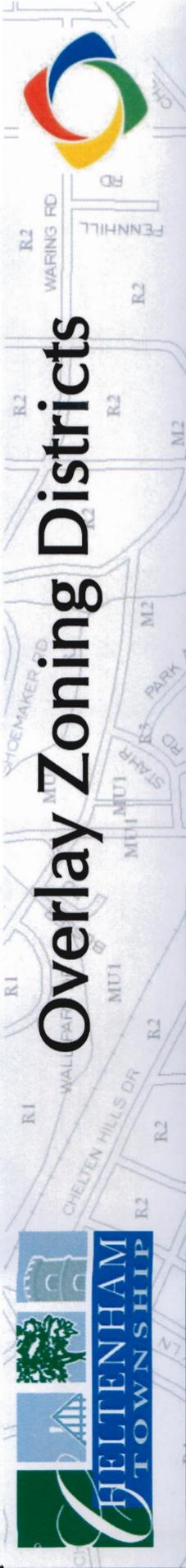


- ▶ Elements from M4 Added:
  - ▶ Viewshed
  - ▶ Historical Preservation standards
  - ▶ Uses formerly allowed in M4
  - ▶ Fine-tuned dimensional and development standards
- ▶ Density capped at 2 dwelling units/acre





# Overlay Zoning Districts

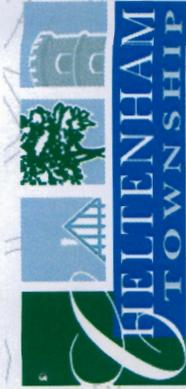


## Current-ZO:

- Historic Resource
- Floodplain Conservation
- Riparian Corridor Conservation
- Steep Slope Conservation
- Preservation

## 2015-ZO:

- ~~Cluster Residential~~
- ~~Mixed Use~~
- Campus Development
- Historic Resource
- Floodplain Conservation
- Riparian Corridor Conservation
- Steep Slope Conservation
- **Preservation (temporary)**



# Proposed 2015-ZO

## Campus Development Overlay District



### Applicability:

- ▶ All educational, medical, and office campuses on contiguous properties of 10 acres or more as well as all existing schools
- ▶ Campus Plan
- ▶ ~~Conditional-Use~~ **Special Exception**

### Special Exception Requirements:

- ▶ SE required to approve establishment of Overlay
- ▶ Tracts must be of single ownership
- ▶ Requires Campus Plan
- ▶ Additional SE required to expand the district
- ▶ Once tract or portion thereof changes ownership, it automatically reverts to base zoning, leaving Overlay



## Preservation Overlay



- ▶ Kept only “bare bones” to act as place-holder for Local Landmark Ordinance
- ▶ Applies automatically, removing Conditional Use provision



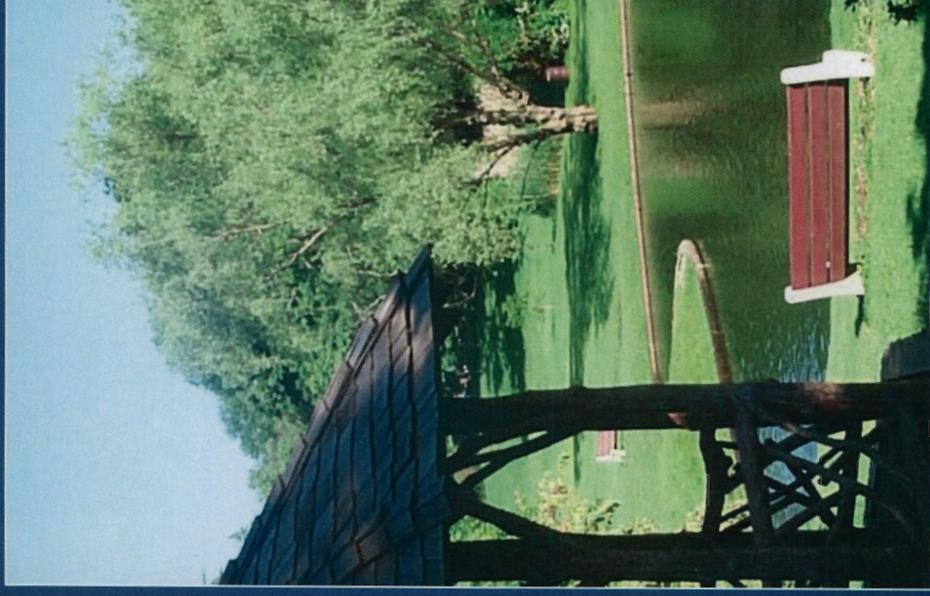


# Use Regulations



## ▶ Categories of Permitted Uses

- ▶ Accessory Uses
- ▶ ~~Agricultural~~ *Agricultural* Uses
- ▶ Commercial Uses
- ▶ Industrial Uses
- ▶ Community Services Uses
- ▶ Office Uses
- ▶ Entertainment/Recreational Uses
- ▶ Residential Uses
- ▶ Utility Uses





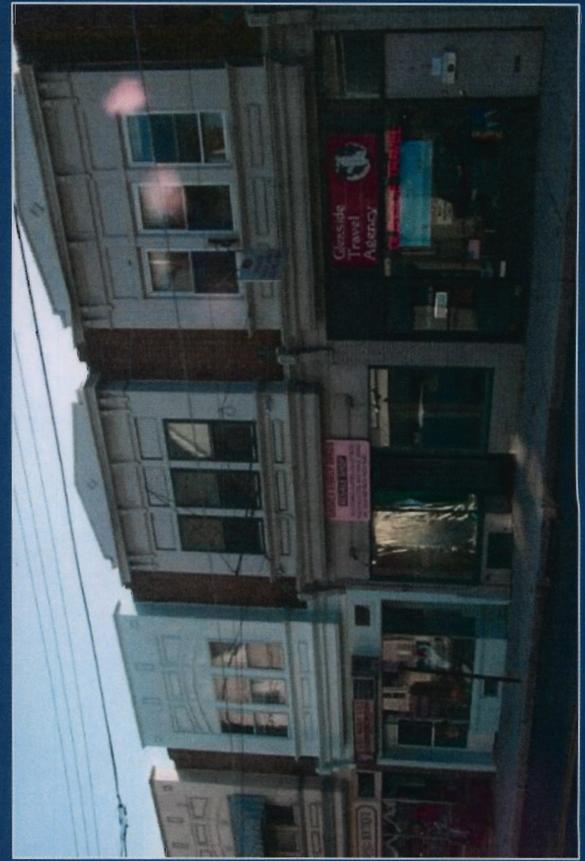
# Use Regulations

## Uses Added:

- ▶ A-12: Drive-through Facility
- ▶ A-13: No-Impact Home-Based Business
- ▶ A-17: Accessory Service Station
- ▶ B-37: Motel
- ▶ B-38: Pet Grooming
- ▶ C-20: Brewery/Distillery/Winery
- ▶ C-21: Microbrewery/Microdistillery/  
Microwinery
- ▶ D-13: Art Gallery
- ▶ D-14: Assisted Living Facility
- ▶ D-15: Life Care Facility/CCRC
- ▶ F-9: Amphitheater

## Uses Deleted:

- ▶ H-6: Planned Residential Development
- ▶ H-8: Single-Family Cluster  
Development



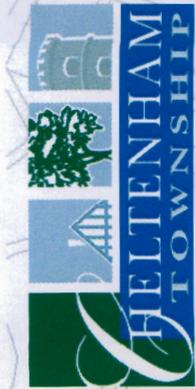


# Wireless Telecommunications Facilities



- ▶ **General Regulations**
  - ▶ Approval Process
  - ▶ Maintenance and Standards of Care
- ▶ **New Wireless Support Structures**
  - ▶ In and out of the right-of-way
  - ▶ C1 and LI only
  - ▶ 100 ft distance from residential & historic districts
- ▶ **Collocation, Replacement and Modification of WTFs**
  - ▶ In and out of the right-of-way
  - ▶ Permitted in all zones, by state law, subject to design and development regulations
  - ▶ Prohibited from historic buildings & structures





# Questions?

