

May 4, 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, Simon and Sharkey. Also present was Ex-Officio Member Portner. Staff present were Joseph Bagley, Wisler Pearlstine LLC; Bryan T. Havir, Assistant Township Manager; Carmen Reitano, Assistant to the Township Engineer; 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 May 9, 2011 was reviewed as follows:

Appeal No. 3399: Appeal of Teresa Minetti, owner of Premises known as 510 East Avenue, Glenside, PA 19038 from the decision of the Zoning Officer for the following Zoning Relief in order to construct an 8' W x 29.75' L addition to the east side of the residence:

- a. A Variance from the Rules and Regulations of "Nonconforming Uses" as outlined in CCS 295-227.K. for the stated expansion of the nonconforming residence.
- b. In the alternative to a; above, a Variance from the Rules and Regulations of the Class R-5 Residence District as outlined in CCS 295-46.A.(1) for a lesser front yard setback of 18' to the addition instead of the minimum required 40' (The front yard setback for the existing residence is 18').

Mr. Minetti was present. Mr. Reitano reviewed the appeal. Mr. Minetti reviewed the extension of the porch and stated that the neighbors have no issues with his plans.

Upon motion of Mr. Sharkey, 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.

Appeal No. 3400: Appeal of St. Nicholas Serbian Orthodox Church, owner of premises known as 506 Stahr Road, Elkins Park, PA 1902, from the Decision of the Zoning Officer for the following Zoning Relief in order to construct a 2 storey rectory addition within the current building footprint:

- a. A Special Exception in accordance with the Rules and Regulations of the Class R-5 Residence District as outlined in CCS 295-43.C. for the construction and use of a 2 storey rectory addition within the current building footprint and for a 5' wide sidewalk and stair from the existing driveway to the main entrance of the rectory addition.
- b. In the alternative to a; above, a Special Exception in accordance with the Rules and Regulations of "Nonconforming Uses" as outlined in CCS 295-227.B. and C. for aforesaid improvements.
- c. Variances from the Rules and Regulations of the Steep Slope Conservation District as outlined in Article XXII of Chapter 295 of the Cheltenham Code for the 5' wide sidewalk and stair from the existing driveway to the main entrance of the rectory addition, as follows:
 - i. From CCS 295-168.B. for not submitting a Lines and Grades Plan conforming to the stated requirements.
 - ii. From CCS 295-167. for the proposed sidewalk and stair instead of one of the enumerated permitted uses.

Mr. Reitano reviewed the appeal including the non-conformance, the existing structure, the location of the new structure, addition of sidewalks and steps, steep slope issues and the footprint.

There was a public comment:

Joel Edelstein, 7935 Park Avenue, stated that if the new structure is considered appropriate for the site, he asked how appropriateness is determined. Mr. Bagley explained the Zoning Code requirements that must be met regarding conforming and non-conforming uses including but not limited to, impact on neighborhood, public safety, public welfare, etc. It was Mr. Edelstein's opinion that the current church is a picturesque small country church; the addition will fill the property, and this aspect was not considered by the Planning Commission; the neighbor will see a massive structure in front of her property; and he felt the addition would make the church too large for the lot it is on.

Mr. Simon understood Mr. Edelstein's concerns and explained the role of the Commissioners regarding Zoning applications. Mr. Simon suggested that Mr. Edelstein and all affected neighbors attend the Zoning Hearing Board meeting.

Upon motion of Mr. Simon, 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.

Appeal No. 3401: Appeal of Elizabeth R. Higgins, owner of premises known as 532 Woodland, Avenue, Cheltenham, PA 19012, from the Decision of the Zoning Officer for the following Zoning Relief in order to construct and use a 9' W x 45' L deck and 9' W x 15' L shed along the northeast side of the residence:

- a. Variances from the Rules and Regulations of the Class R-8 Residence District as outlined in CCS 295-67.B.(2) for a zero foot (0') side yard setback from the northeast property line instead of the minimum required 9' for the following:
 - i. for the deck;
 - ii. for the shed.

Mr. Reitano reviewed the appeal. He reported that the applicant is requesting a continuance to make certain changes to the plan.

Upon motion of Mr. McKeown, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that it recommends the grant of a continuance. If a continuance is not granted, the Committee takes no action on said appeal.

2. Upon motion of Mr. Sharkey, and unanimously approved by the Committee, the Planning Commission Regular Meeting Minutes dated April 25, 2011, were received.
3. Upon motion of Mr. Sharkey, and unanimously approved by the Committee, the Ad-Hoc Zoning Committee Regular Meeting Minutes dated April 12, 2011, were received.
4. The Committee reviewed the latest draft of a new Age-Restricted Overlay District Ordinance.

Kenneth Amey, Consulting Planner, reviewed the latest changes that included:

- revised definition of “buildings” that included parking structures
- revised definition of “street”
- the addition of provisions for preservation and protection of open space
- editorial changes to historic resources
- the addition of language regulating homeowners associations to be in compliance with the Fair Housing Act

Mr. Simon suggested certain changes:

- developable acreage should be “developable acreage or area”
- a change to §295-241 (A), i.e. change of “further subdivided” to “subdivided”
- a change of case for a word in §242(B)
- in §295-243H,2,c,(4), he suggested adding a separate “reserve fund for operating expenses”. Discussion ensued. It was Mr. Bagley’s opinion this type of fund is provided for in the establishment of a homeowners’ association, which is formed in accordance with the Property Unit Act. It was agreed that Mr. Bagley would review this and clarify more specifically the definition of a reserve fund of the homeowners’ association
- a more specific definition of “amenities”
- in §294-244, I(3), RE: building facades. It should be added that they complement not only residentially zoned properties but also properties with a prominent residential character
- a change of case for a word in §294-244, K(2)
- §294-244, K(3)(b), he asked if it could be required that more than 80% of the residents in an age-restricted development be over the age of 55

There was a public question:

Melanie Vallerio, 173 Fernbrook Avenue asked if there was a time stipulation for development completion. Mr. Bagley informed her that municipalities do not have such authority.

Discussion concluded. Mr. Kraynik advised that the final version of the Ordinance can be scheduled for a Public Hearing after sufficient time is given to the Township’s Planning Commission and the Montgomery County Planning Commission to review it prior to the Public Hearing. He reviewed the time requirements.

5. Upon motion of Mr. Haywood, and unanimously approved by the Committee, it is recommended to the Board of Commissioners the scheduling of a Public Hearing on Wednesday, September 21, 2011, to amend the Zoning Code, Chapter 295 thereof, entitled "Zoning" by creating an "Age Restricted Overlay District" (see attached).

6. The Committee considered recommending a Resolution amending the Township's "Official Sewage Facilities Plan". Mr. Kraynik advised that this is necessary for the developer to commence construction. Mr. McKeown stated that the property in question is in a deteriorated condition, and this will be a major improvement to the neighborhood.

7. Upon motion of Mr. McKeown, and unanimously approved by the Committee, it is recommended to the Board of Commissioners, the adoption of a Resolution amending the Township's "Official Sewage Facilities Plan" to provide sewage capacity for a proposed adaptive reuse of the property at 545 Jefferson Avenue, Cheltenham (see attached).

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

Appeal No. 3396: Appeal of Roody Saint Marc, owner of the premises known as 7400 4th Avenue, Elkins Park, Pennsylvania, from the determination of the Zoning Officer finding that construction of a 2½ story, single-family residence, measuring 27.14 feet by 36.25 feet (984 square feet) with a less than required lot size and front yard setbacks within a nonconforming lot would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article VIII, Section 295-44, regulating lot size and lot width, Article VIII, Section 295-46, regulating yard setbacks, and Article VIII, Section 295-48, regulating nonconforming lots.

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

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

Appeal No. 3397: Appeal of David Mermelstein, Dreck Properties, LTD, owner of the premises known as 7770 Montgomery Avenue, Elkins Park, Pennsylvania, from the determination of the Zoning Officer finding that construction of a duplex having a less than required lot area per family, a greater than permitted building area, less than required yard setbacks, less than required green area, less than required buffer area, and a non-permitted use would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article XVII, Section 295-119,

regulating lot area; Article XVII, Section 295-120, regulating building area; Article XVII, Section 295-121, regulating yard setbacks; Article XVII, Section 295-124, regulating green area; Article XVII, Section 295-125, regulating buffer area; and Article VIII, Section 295-43, regulating permitted uses.

The Zoning Hearing Board denied applicant's request for relief.

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

9. Upon motion of Mr. Portner, and unanimously approved by the Committee, the Report of the Building Inspector for the month of April, 2011 was received.

10. Under New Business:

a. Mr. Bagley announced that prior to this evening's meeting the Commissioners held an Executive Session to discuss personnel matters.

b. Ms. Hampton asked if there were any plans to develop the parking lot at the intersection of Glenside Avenue and Rices Mill Road. She was told that the School District's vendor used to park the school buses there but they were removed due to residents' complaints. Mr. Havir stated that the future of this parcel was discussed with the Executive Director of the Montgomery County Economic Development Corporation.

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



David G. Kraynik,
Township Manager

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, May 4, 2011
Curtis Hall

NAME (Please Print)	ADDRESS	E-MAIL and/or TELEPHONE
BOB DE MARIA	65 LINCOLN Pk	DEMARIY@VERIZON.NET
MATT MUNDY	110 HEWITT RD	MMJMUNDY@MSV.COM
JAE PHILIPINO	122 Waverly	215 920 2222
Tim + Lisa Terry	120 Waverly Rd.	215-464-0571
Kristin McHugh	115 E Waverly Rd	215 885 2061
Peg O'Rourke	105 Waverly Rd	215 884 9239
JULIE LIZ BUDAK	107 Waverly Rd	215-572-1526
STEVAN DUBALIC	506 STARBUCK R	610-649-0311



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, May 4, 2011
Curtis Hall

NAME (Please Print)	ADDRESS	E-MAIL and/or TELEPHONE
Michael Broadbent	121 Waverly	
D. McHugh	127 Hewett Rd	
Margaret Griffen	419 Lodges Ln.	
JUSTIN RUBY		
Melanie Vallejo	173 Fernbrook Ave	
Joel Edelstein	7935 Park Av	215 782 1704
Tom McHugh	127 Hewett Rd.	

**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. A parking structure shall also constitute a building.

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

COMMON OPEN SPACE – An outdoor portion of a development or tract of land that is designed or functions as a recreational area and/or for the preservation of sensitive natural features. Private yards directly adjacent to a residence shall not be considered common open space.

DEVELOPABLE ACREAGE – 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 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.

§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.

§295-243. PERFORMANCE STANDARDS.

A. Perimeter Setback. (In addition, see setback modifications contained in subsection F.2.)

1. The minimum building or parking setback from an exterior or perimeter street right-of-way, or a municipal boundary, shall be 100 feet.
2. The minimum building setback from an adjacent property zoned for single family detached or attached use shall be 75 feet. The minimum building setback from property zoned for any other use shall be 50 feet.
3. The minimum parking setback from an adjacent property zoned for single family detached or attached use shall be 50 feet. The minimum parking setback from property zoned for any other use shall be 25 feet. In all cases, driveways shall conform to the parking setback requirement except that portion of the driveway required to make a transverse crossing from the right-of-way to the setback line.

B. Housing Types. The following housing types shall be permitted in the age restricted overlay district:

1. Single family detached dwellings.
2. Single family semi-detached dwellings.
3. Two family detached dwellings.
4. Two family semi-detached dwellings.
5. Townhouses. Within the Age-Restricted Overlay District a row of townhouses shall contain no more than 5 attached units.

6. Midrise Multi-family dwellings. For the purposes of this Article, Midrise Multi-family dwellings shall be defined as multiple dwelling buildings at least 4 stories in height, and no greater than 8 stories or 96 feet in height.

C. Density.

1. The overall density shall not exceed 8 dwelling units per developable acre for single family detached dwellings, single family semi-detached dwellings, two family detached dwellings, two family semi-detached dwellings, or townhouses.
2. The overall density for Midrise Multi-family dwellings shall be as follows:
 - a. 4 or 5 story buildings – 12 units per developable acre
 - b. 6 or 7 story buildings – 15 units per developable acre
 - c. 8 story buildings – 20 units per developable acre
3. In all cases, a single qualifying tract developed under this overlay shall not contain more than 300 total dwelling units.

D. Building coverage.

1. Building coverage shall not exceed 20% of the developable area of the tract.

E. Impervious coverage.

1. Impervious coverage shall not exceed 45% of the developable area of the tract.

F. Maximum building height.

1. Except as provided in subsection F.2., the maximum building height shall be 45 feet, not to exceed three stories.
2. In the case of Midrise Multi-family dwellings, the maximum building height shall be 96 feet, not to exceed 8 stories; however, for every foot or fraction thereof in excess of 45 feet in height, each and every setback requirement shall be increased by 3 feet; and for every story in excess of 3 stories in height, the building coverage limitation shall be reduced by 2% and the impervious coverage limitation by 3%.

G. Building arrangement.

1. The minimum distance between buildings shall be the greater of 30 feet or half the height of the taller building.

2. The maximum building length shall be 160 feet, including angles.
3. Buildings shall be set back a minimum of 25 feet from the cartway of internal accessways. In the case of any internal streets required to be designed with a right-of-way, the 25 foot setback shall be measured from the right-of-way line.

H. Common open space.

1. All development under this Article shall provide not less than 50% of the total area of the tract as common open space. In all instances, all nondevelopable area shall be preserved as common open space, and at least 20% of the developable area shall be included as common open space.
2. Provision shall be made to provide continued protection and maintenance of the common open space so as to insure its preservation. This shall be accomplished in one of the following manners:
 - a. The Township may, but shall not be required to, accept any portion of the common open space by fee simple dedication, provided that:
 - 1) There is no cost to the Township; and
 - 2) The Township agrees to and has adequate access to maintain such facilities.
 - b. With permission of the Township, and with appropriate deed restrictions in favor of the Township and in language acceptable to the Township Solicitor, the owner may transfer the fee simple title in the common open space or a portion thereof to a private, nonprofit organization among whose purposes is the conservation of open space land and/or natural resources; provided that:
 - 1) The organization is acceptable to the Township and is a bona fide conservation organization with a perpetual existence.
 - 2) The conveyance contains appropriate provision for proper retransfer or reverter in the event that the organization becomes unable or unwilling to continue to carry out its functions.
 - 3) A maintenance agreement acceptable to the Township Solicitor is entered into by the developer, organization and Township.
 - c. The developer may provide for and establish an organization for the ownership and maintenance of the common open space consistent with the requirements for unit owners associations found in the Pennsylvania

Uniform Condominium Act, 68 Pa.C.S.A. §3101 et seq. If such an organization is created, the deeds and agreements of sale for the common open space and for all individual lots within the tract shall contain the following requirements in language acceptable to the Township Solicitor:

- 1) Such organization shall not dispose of the common open space by sale or otherwise except to the Township or other governmental body unless the Township has given prior, written approval. Such transfer shall be made only to another organization which shall maintain the common open space in accordance with the provisions of this article.
- 2) The organization and all lot owners within the development shall agree to be bound by the provisions of §705(d)(2) and (3) of the Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended, 53 P.S. §10705(d)(2) and (3), relating to Township maintenance of deteriorating open space and providing for the ability of the Township to access and lien the properties within the development.
- 3) All lot owners within the development shall be required to become members of the organization and pay assessments for the maintenance of the common open space which may be increased for inflation and which may provide for professional management.
- 4) The Township may require the formation of a reserve fund to cover capital improvements to the 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. 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.
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.

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. Historic resources within the Township shall be identified and preserved as a part of the development plan, in a manner acceptable to the Board of Commissioners.
2. When a historic resource is preserved as required by this Article, the area of the historic resource may be counted toward a maximum of 25% of the required open space, and it shall not be counted toward the maximum building or impervious coverage limits.
3. The setting of the historic resource shall be protected by creating a buffer from new construction. At a minimum, the historic resource shall be separated from new development by 50 feet.
4. A historic structure may be used as part of a development under the Age Restricted Overlay District for any permitted use in this district or the underlying zoning district, provided a special exception for such a use is granted by the

Zoning Hearing Board and subject to such conditions as are approved by the Zoning Hearing Board. In deciding an application for such a special exception, the Zoning Hearing Board shall duly consider the suitability of the proposed use for the structure, whether the applicant has minimized the impact of the use upon adjoining properties and whether a majority of the purposes of the District, set forth in Section 295-240, will be accomplished.

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 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. Such documentation shall include, in addition to those provisions required by the Township Solicitor, the following items:
 - a. Rules implementing age verification , in accordance with regulations of the United States Department of Housing and Urban Development (the "Department"), as amended, that the units in the housing facility or community are intended and are operated for occupancy by at least one person who is 55 years of age or older.
 - b. Rules implementing verification , in accordance with regulations of the Department, as amended, if any, that at least 80% of the occupied units are occupied by at least one person who is 55 years of age or older.
 - c. A requirement that the housing facility or community publish and adhere to policies and procedures which demonstrate the intent for the facility or community to qualify for the statutory exemption from claims of familial status discrimination.

- d. Such procedures and policies as are required by the Secretary of the Department for periodic verification of occupancy, as amended, including verification by reliable surveys and affidavits and policies and procedures relevant to a determination of compliance.
- e. A definition of "occupied unit" identical to the definition in the Departments' regulations, as amended.

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

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

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

ENACTED into an **ORDINANCE** this _____ day of _____, 2011.

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**

BY: _____
Harvey Portner
President

ATTEST: _____
David G. Kraynik
Secretary and Township Manager

**TOWNSHIP OF CHELTENHAM
RESOLUTION NO. _____**

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

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF CHELTENHAM, 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 7: 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 new land developments conform to a comprehensive program of pollution control and water quality management; and

WHEREAS, Thomas W. Cochrane has proposed the adaptive reuse of a parcel of land certified as 545 Jefferson Avenue, Cheltenham, PA 19012 (a/k/a "545 Jefferson Avenue Condominiums") into twelve residential condominium units and proposes that such adaptive reuse be served by a sewer tap-in; and

WHEREAS, the Township of Cheltenham finds that the subdivision described in the attached 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 Board of Commissioners of the Township of Cheltenham, hereby adopts and submits 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 HEREBY CERTIFY that the foregoing Resolution was adopted by the Board of Commissioners of the Township of Cheltenham, County of Montgomery, Commonwealth of Pennsylvania, at its meeting held at Curtis Hall, 1250 W. Church Road, Wyncote, Pennsylvania 19095 on May 18, 2011.

TOWNSHIP OF CHELTENHAM

Harvey Portner
President
Board of Commissioners

ATTEST:

David G. Kraynik, Secretary/Manager.

TOWNSHIP OF CHELTENHAM
8230 OLD YORK ROAD
ELKINS PARK, PA 19027

(SEAL)