

**ORDINANCE NO. -08**

**AN ORDINANCE AMENDING THE CODE OF  
THE TOWNSHIP OF CHELTENHAM,  
CHAPTER 295, THEREOF ENTITLED ZONING, ARTICLE XXXIII,  
CREATING AN AGE RESTRICTED OVERLAY DISTRICT**

**SECTION 1.** The Board of Commissioners hereby adopts the following as Chapter 295, 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 as follows:

- A. By providing greater variety of housing to serve the needs of older persons who prefer an active and independent residential environment.
- B. By enabling the adaptive-reuse of existing buildings and facilities.
- C. By encouraging the preservation of natural features, such as woodlands, streams and open space by allowing compact development.
- D. By encouraging maximum use of innovative and integrative green design and construction strategies emphasizing human health as a fundamental evaluative criterion for building and site design and for construction and operational strategies.

**§ 295-241. OVERLAY.**

The Age-Restricted Multiple Dwelling Overlay District shall be an overlay on all parcels meeting the criteria contained in this section, as follows:

- A. An area of 5 acres or greater in single ownership.
- B. Located within a Residential, Institutional or Commercial Zoning District. (The Overlay does not apply to parcels within G - Manufacturing and Industrial Districts.)
- C. Frontage on state roads that are not limited access highways, as follows:
  - 1. For Parcels 5.0 - 8.0 acres: 450 feet; or

2. For Parcels 8.01 -12.0 acres: 750 feet; or
3. For Parcels 12.01 – 30.0 acres: 850 feet; or
4. For Parcels 30.01 to 60.0 acres: 900 feet; or
5. For Parcels 60.01 acres and greater: 2500 feet

A parcel meeting all the criteria in this section shall be eligible for Age-Restricted Housing Use of the parcel by Special Exception provided that the proposed development meets all of the following requirements of the Age-Restricted Multiple Dwelling Overlay District or receives variances for any non-conformities therefrom.

The provisions of this article will take effect from the time of the adoption of this ordinance. To avoid conflicts with the underlying zoning districts, when the provisions of this article are applied, the provisions of the underlying zoning district shall not 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 of this chapter.
- B. The following uses are permitted by special exception only:
  1. Age-restricted, independent living, multiple dwelling developments, by special exception, subject to the provisions set forth in this article. Each residential unit will only be permanently occupied by persons age 55 or above with the following exceptions:
    - a. A spouse under 55 years if married to a resident 55 years or older.
    - b. Up to 2 children or one child and one child-in-law, over 18 years of age, residing with at least one parent over 55 years of age whose presence is required to care for that parent.
    - c. A spouse under 55 years of age who is surviving member of a previously qualified household.
    - d. A live-in nurse or similar caregiver whose presence is required to care for an occupant over 55 years of age.
    - e. Any adult child with special needs that must reside with at least one qualified parent.
  2. Small-scale retail, personal service shops and professional service offices are permitted as accessory uses, limited to the first floor only of the residential buildings.
  3. Other uses customarily incidental with age-restricted, independent living communities, including but not limited to, clubhouse with common areas and meeting rooms, indoor and outdoor recreation facilities, dining facilities in residential buildings and maintenance and security facilities.

## § 295-243. WORD USAGE AND DEFINITIONS

### A. Word Usage

1. Words used in the singular number include the plural, and words in the plural number include the singular.
2. The word “building” shall be deemed to include the word “structure.”

### B. Unless otherwise expressly stated, the following words shall, for the purposes of this article, have the meanings herein indicated:

1. Architectural Offset – A perpendicular or angled horizontal offset in the building façade.
2. Building Façade – That portion of any exterior elevation on the building extending from grade level at the building to the top of the parapet, wall, or eaves.
3. Building Façade Length – The length of the building as measured horizontally parallel to any and all building facades between the two furthest points; See Exhibit B.
4. Building Wing – The portion of a building façade extending between architectural offsets greater than 10 feet; See Exhibit A.
5. Gross Tract Area (“GTA”) – The total acreage within the surveyed boundaries of a property minus any area within existing public road rights of way.
6. Impervious Coverage – That percentage of the GTA which is covered by impervious surfaces including building and paved areas.
7. Impervious Surfaces – Those surfaces which are not covered by a natural ground cover and which prevent the infiltration of water into the ground. Impervious surfaces include buildings, any roof, parking areas, driveways, roads, sidewalks, above or in-ground pools and any area in concrete and asphalt, gravel or crushed stone.
8. Net Developable Site Area (“NDSA”) – In order to minimize disturbance to sensitive environmental areas, all development shall be located within the NDSA; the NDSA shall be the Gross Tract Area minus the following environmentally sensitive areas:
  - a. One hundred percent of floodplains.
  - b. One hundred percent of wetlands.
  - c. One hundred percent of water bodies and watercourses.
  - d. One hundred percent of slope of 15% or greater measured over a 1' contour interval.
  - e. One hundred percent of riparian buffers.

In the above, determination of the NDSA, the following shall apply:

1. The one hundred-year floodplain as determined by the Federal Emergency Management Agency (FEMA) shall be used.
2. Where two or more features overlap, the overlapping acreage shall be counted only once and the most restrictive standard shall apply.
9. Riparian Buffer - An area adjacent to a watercourse or water body established to protect water quality that provides a primary zone of undisturbed forest to provide shade and food for aquatic life and a secondary zone of managed woodland that allows infiltration of stormwater and filtration of sediment and nutrients. Riparian buffers are measured from the stream edge.

**§ 295-244. PERFORMANCE STANDARDS.**

The following requirements shall apply:

Minimum Lot Area	5 - 8.0Acres	8.01- 12 Acres	More Than 12 Acres
Minimum Lot Width	450 feet		
Minimum Building Setbacks from Right-of-Way for Primary Structures:			
Front	50 feet or the average of the two closest existing primary structures	50 feet	100 feet
Side	40 feet	50 feet	50 feet
Rear	40 feet	50 feet	50 feet
Minimum Building Setbacks from the Right-of-Way for Accessory Buildings (1):			
Front	Same as primary structure		
Side and Rear	35 feet		
Parking Lot Setback (2)	25 feet from the front, side or rear property line	50 feet from the front, side or rear property line	

Maximum Density	20 Units per GTA (3)	30 Units per GTA up to a maximum of 300 base units. Bonus Provision: A 10% increase in the base number of units is permitted for each 10% reduction in impervious coverage below the maximum impervious coverage allowed.	
Minimum Area per Residential Unit in Gross Square Feet (“GSF”) (4)			
Efficiency	450 GSF		
One-bedroom	600 GSF		
Two or more bedrooms	850 GSF		
Maximum Building Coverage (of GTA)	25% for 1 - 2 stories 20% for 3 - 4 stories 15% for 5 - 6 stories 12% for 7 – 8 stories		
Maximum Impervious Coverage	55% of the Gross Tract Area		
Maximum Building Wing Length	200 feet See Exhibit A		
Maximum Building Façade Length	350 feet See Exhibit B		
Minimum Distance Between Buildings	30 feet or half the height of the taller building or which ever is greater		
Maximum Building Height	3 stories or 45 feet	6 stories or 90 feet (5)	8 stories or 120 feet (5)
Minimum Open Space	45% of the gross tract area		
Riparian Buffer	50 feet	75 feet	75 feet

- (1) Gatehouses may be located within any required setback area.
- (2) Driveways connecting a parking lot to a public street may make a transverse crossing of the Parking Lot Setback Area.
- (3) Gross Tract Area
- (4) As measured from inside wall to inside wall; GSF does not include area within enclosed patios or balconies.
- (5) For every foot of additional height above 45 feet, the front, side and rear yard setback requirements shall be increased by one foot.

**§ 295-245. DEVELOPMENT REQUIREMENTS.**

- A. The proposed development shall be designed in accordance with an architectural plan with landscaping and shall be constructed in accordance with an overall site plan which shall be presented to the Zoning Hearing Board for its review and approval.
- B. Site development is encouraged to utilize sustainable (green) development practices (“LEED” design practices) that will be implemented throughout the design, construction and operation of the development. A whole-development approach to sustainability should include water conservation, energy efficiency, material selection, resource conservation and environmental quality.
- C. Parking shall be provided as follows:
  - 1. Parking Requirement -1.5 spaces per unit, 1 guest space for every five units, and one space per employee for the shift requiring the highest number of employees and otherwise meeting the requirements of CCS 295-221. Parking and Loading.
  - 2. Parking for communities restricted to age 62 years and older in compliance with the Federal Fair Housing Act may be reduced if it can be shown that safe and accessible public transportation is located within 0.25 miles of the development as follows: 0.5 parking spaces per unit, 1 guest space for every five units, and one space per employee for the shift requiring the highest number of employees and otherwise meeting the requirements of CCS 295-221. Parking and Loading.
  - 3. If a community contains accessory uses, then additional parking spaces for each accessory use shall be provided in accordance with the requirements of CCS 295-221., Parking and Loading.
- D. All utility lines servicing the site shall be placed underground. Any required above-ground utility structures, buildings, pump stations or other similar devices shall be screened from adjoining properties and road right-of-ways.
- E. All buildings shall be served by public water and public sanitary sewerage.
- F. *Natural Features.* Natural features, such as woodlands, streams, and open space areas are encouraged to be preserved and incorporated into the development in accordance with CCS 280. Trees.
- G. *Resident Amenities.* The developer shall provide a walkable community with an internal sidewalk network and 2 or more additional outdoor resident amenities including but not limited to: covered walkways, accessible trails, patios, landscaped courtyards, seating areas, gardens, facilities for passive or active recreation.

- H. *Landscaping.* All areas, other than preserved natural features, not covered by building and impervious paving materials shall be maintained as landscaped areas containing trees, shrubs and ground covers. Native and noninvasive species are preferred. Known invasive plant species are prohibited.
1. Landscape buffers of at least 25 feet wide are required along all front, side, and rear property lines.
  2. All lots developed under this district that are adjacent to a residential use, shall provide additional screening along the residential property, using a mixture of evergreen and deciduous plant materials.
  3. Parking lots fronting on a street shall be screened in accordance with CCS 295-221., Parking and Loading.
  4. Decorative fencing in combination with plant materials may be provided to discourage trespassing in accordance with Section 295-223.
- I. *Lighting.* All exterior lighting shall be designed to prevent glare onto adjacent properties. Pedestrian pathways need to be clearly marked and well lit. Lighting shall be sufficient for security and identification without allowing light to trespass onto adjacent sites. Illumination onto a residential use 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.
- J. *Refuse Areas.* The storage of refuse shall be provided inside the building(s) or within an outdoor area enclosed by either walls or opaque fencing with a self-closing, self-latching gate. Any refuse area outside of the building shall be designed to be architecturally compatible with the building(s), shall not be located in the front of the building, and be entirely screened by a fence or enclosure which is at least 6 feet high.
- K. *Service and Loading.* Service areas, loading areas and loading docks must be located to the side of or behind the building and visually screened from public streets and pedestrian ways with landscaping, privacy fencing or walls.
- L. *Architectural Guidelines.* The following guidelines shall apply to new construction and alteration of existing structures:
1. New construction and alterations to existing buildings are encouraged to utilize sustainable (green) building and development practices (“LEED” design practices) that will be implemented throughout the design, construction and operation of the building. A whole-building approach to sustainability should include water conservation, energy efficiency, material selection, resource conservation and indoor environmental quality.
  2. Windows and Doors shall be integrated within the unified architectural plan of the complex.
  3. Blank and windowless walls are prohibited.

4. 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.
5. In conjunction with the special exception application, the applicant shall provide representative color perspective renderings and elevations 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 on adjacent properties.
6. For multiple building complexes the architectural design among buildings shall be coordinated.
7. Building design shall be architecturally in keeping with the ambience of the surrounding neighborhood.
8. Architectural embellishments that add visual interest to facades and roofs, such as, balconies, bay windows, perpendicular or angled offsets, use of multiple materials (brick with stone, etc), building courses, dormers, masonry, chimneys, cupolas, towers and other similar elements shall be included in the design of buildings.
9. Pedestrian entrances shall be easy to locate and provide protection from the elements.
10. Upper stories of buildings above six stories shall be visually interrupted every 50 feet by the use of vertical and horizontal offsets, articulation, modulation or set backs from the façade.
11. The Zoning Hearing Board may approve the use of architectural concepts and designs which differ from those set forth above, if it can be demonstrated to the satisfaction of the Zoning Hearing Board that such concepts and designs further the legislative intent of this article and the intent of this subsection.

**§ 295-246. ADDITIONAL REQUIREMENTS.**

- A. A property developed in accordance with the provisions of this Article shall not change from age-restricted use unless all of the requirements of the underlying district are complied with.
- B. An applicant for an age-restricted use community complying with the requirement of CCS 295-242.B. 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 CCS 295-242.B.
- C. An applicant for an age-restricted community whose residents are age 62 and above in compliance with the Federal Fair Housing Act shall provide at the time of final approval proof of deed restrictions or other documentation satisfactory to the Township Solicitor that limits the residential use of the property to the residents age 62 and above in compliance with the Federal Fair Housing Act.
- D. All condominium developments shall be in accordance with the Uniform Condominium Act of Pennsylvania.

- E. Any homeowner’s condominium association associated with an age-restricted use community complying with the requirements of CCS 295-242.B. shall include in its bylaws provisions to restrict and enforce the age requirements of CCS 295-242.B.
- F. Any homeowners condominium association associated with an age-restricted use community whose residents are age 62 and above in compliance with the Federal Fair Housing Act shall include in its by-laws provisions to restrict and enforce the requirements that its residents be age 62 and above in compliance with the Federal Fair Housing Act.
- G. All determinations of substantial compliance in terms of granted zoning relief shall be made by the Township Board of Commissioners.

**SECTION 2.** Nothing in this Ordinance or in the Code of the Township of Cheltenham shall be construed to effect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued or any cause or causes of action existing under the said Code prior to the adoption of this amendment.

**SECTION 3.** The provisions of this 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 legal, invalid or unconstitutional section, sentence, clause, part or provisions had not been included herein.

**SECTION 4.** This Ordinance shall take effect and be enforce from and after its approval as required by law.

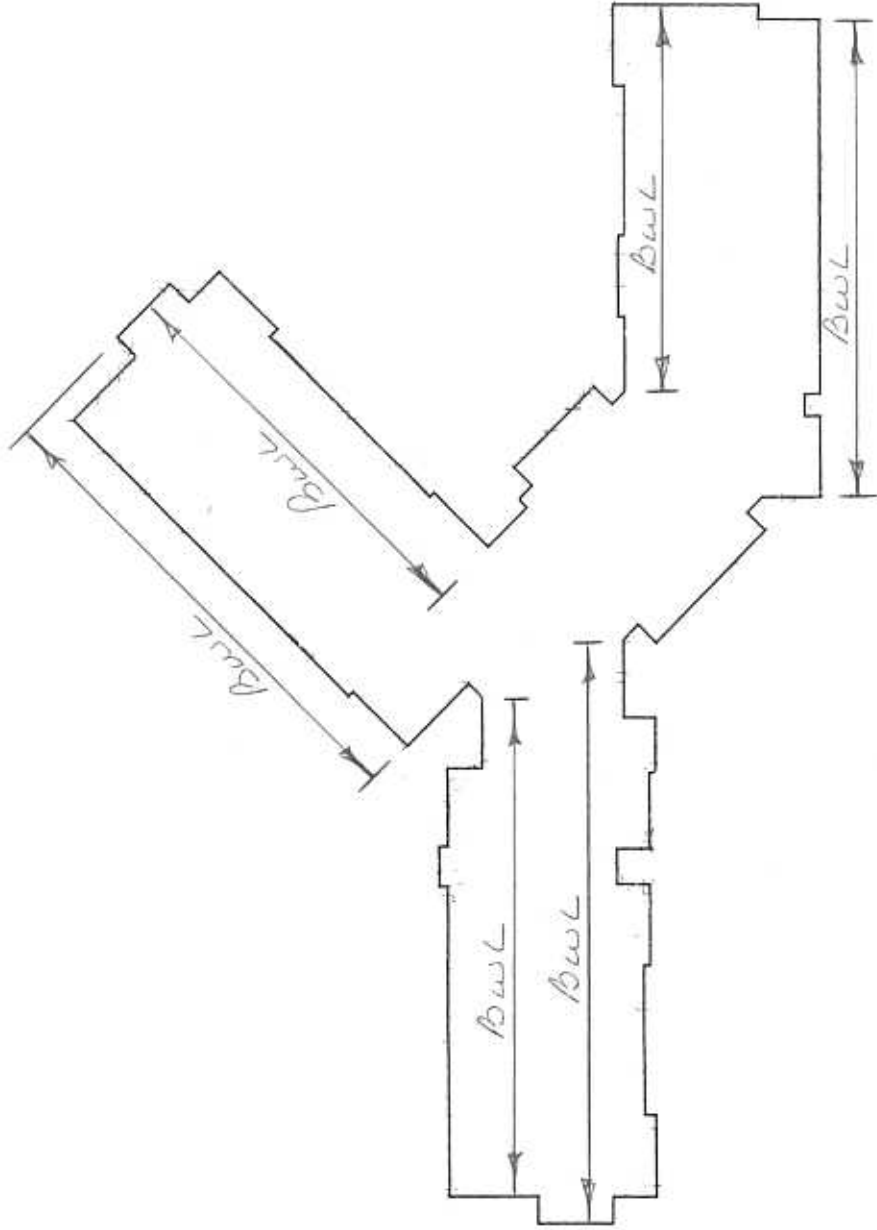
**SECTION 5.** This Ordinance shall supersede other requirements of the Zoning Ordinance that may be in conflict.

**ENACTED** into an **ORDINANCE** this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

**TOWNSHIP OF CHELTENHAM  
BOARD OF COMMISSIONERS**

**BY:** \_\_\_\_\_  
Jeffrey A. Muldawer  
*President, Board of Commissioners*

**ATTEST:** \_\_\_\_\_  
David G. Kraynik, *Secretary*



MAXIMUM BUILDING WING LENGTH: 200'

EXHIBIT A

BUILDING WING LENGTH ("BWL")

AGE-RESTRICTED MULTIPLE DWELLING OVERLAY DISTRICT

NTS

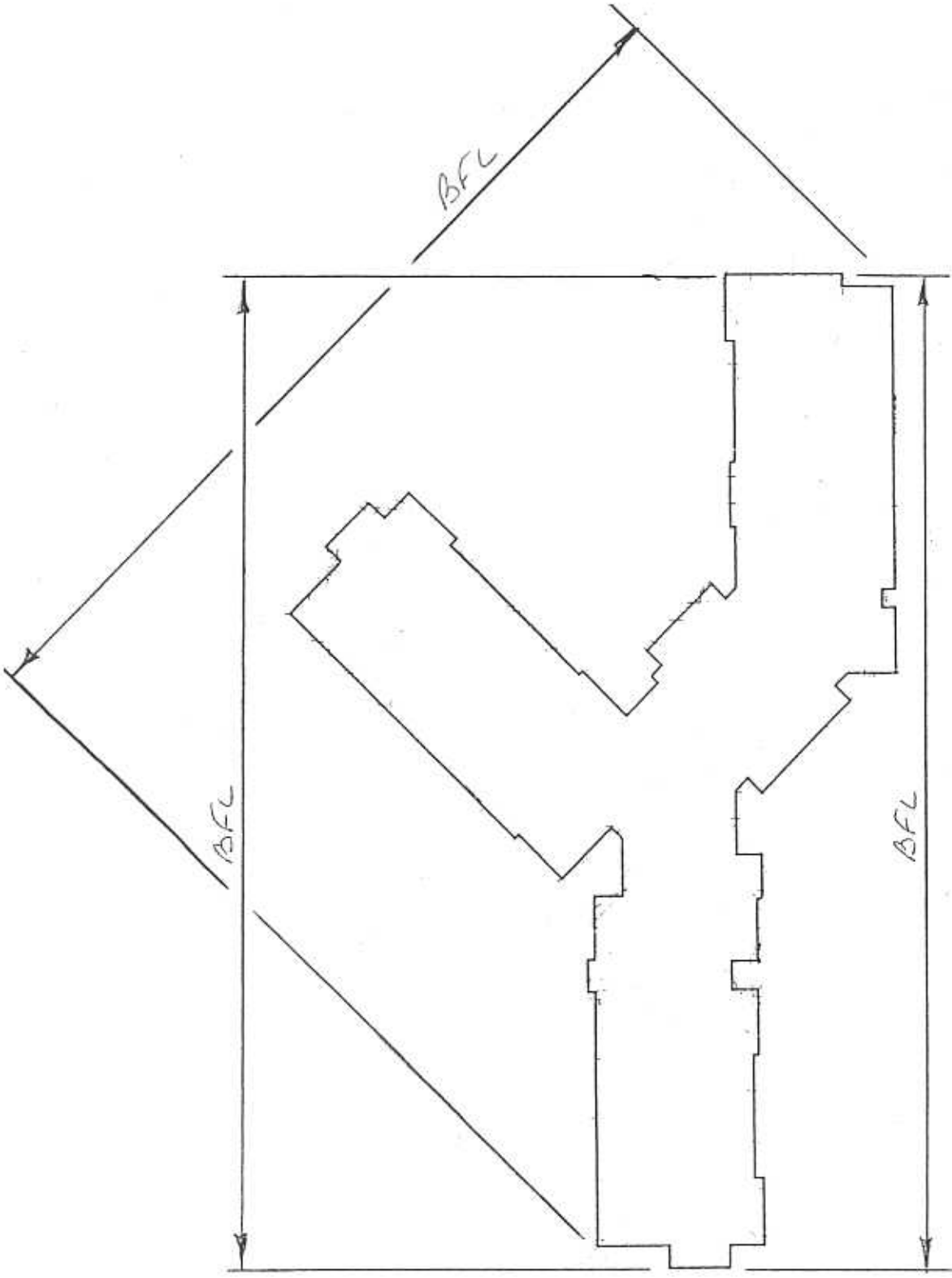


EXHIBIT B

MAXIMUM BUILDING FAÇADE LENGTH: 350'

BUILDING FAÇADE LENGTH ("BFL")

AGE-RESTRICTED DWELLING OVERLAY DISTRICT

NTS