

**Township of Abington  
Planning Commission Meeting  
May 26, 2015**

**Notice:** The Planning Commission of the Township of Abington is an advisory board appointed by the Board of Commissioners. The action of the Planning Commission on any agenda item does not reflect a final decision. The Board of Commissioners must render the final action on all agenda items.

**Call to Order:**

<b>Roll Call:</b>	<b>Spearman</b>	<b>Strackhouse</b>	<b>Russell</b>
	<b>Cooper</b>	<b>Weggel</b>	<b>Robinson</b>
	<b>Gauthier</b>	<b>Rosen</b>	<b>Marquardt</b>

**Pledge of Allegiance:**

**Agenda Items:**

**PC1:** The Planning Commission has been asked to review proposed Ordinance #2095 that would allow for Student Apartment Housing (Use H-1.A) within the (PB) Planned Business Districts of the Township of Abington. This is a zoning text amendment filed on behalf of Penn State University by Eastburn & Gray, P.C. The text amendment also proposes an on-site parking requirement for the new use that will be added to Section 901.8 of the Zoning Ordinance.

**Adjournment**

**Note:** The next scheduled meeting of the Planning Commission is Tuesday, June 23, 2015 with a 7:30 p.m. start time.

**TOWNSHIP OF ABINGTON  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. #2095**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE  
TOWNSHIP OF ABINGTON, BY PROVIDING REGULATIONS FOR  
STUDENT APARTMENT HOUSING IN THE PLANNED BUSINESS  
ZONING DISTRICTS**

**WHEREAS**, the Board of Commissioners of the Township of Abington has the authority pursuant to section 601 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10601; section 1502.1 of The First Class Township Code, 53 P.S. § 56502.1; and section 1300 of the Abington Township Zoning Ordinance to enact and amend ordinances; and

**WHEREAS**, the Township of Abington is home to highly respected educational institutions of higher learning which significantly contribute to and enhance the vibrancy, appeal, and culture of the Township; and

**WHEREAS**, the Zoning Ordinance of the Township of Abington does not presently provide for and regulate student apartment housing; and

**WHEREAS**, regulated student apartment housing would benefit both the educational institutions and the students attending educational institutions in the Township of Abington; and

**WHEREAS**, the Board of Commissioners has determined that the Zoning Ordinance should contain rules and regulations for student apartment housing.

**NOW, THEREFORE**, the Board of Commissioners does hereby ENACT and ORDAIN as follows:

**Section 1.** Section 402.2.A of the Zoning Ordinance of the Township of Abington, which identifies those uses permitted by right in the Planned Business Districts, is amended by the addition of a new paragraph 29.1, which shall read as follows:

**29.1. H-1.A. Student Apartment Housing**

**Section 2.** Section 706.H of the Zoning Ordinance of the Township of Abington shall be amended by the addition of a new paragraph 1.1 to read as follows:

**1.1. Use H-1.A: Student Apartment Housing:** An apartment building or buildings owned and operated by an accredited college or university with educational facilities located in the Township of Abington, the primary purpose of which is to provide temporary living accommodations for students enrolled in the college or university and for individuals employed by or associated with the college or university. This use shall be subject to the following regulations, which shall supersede inconsistent regulations elsewhere in the Zoning Ordinance.

- a. **Minimum Lot Size.** The minimum lot size shall be two (2.0) acres.
- b. The Student Apartment Housing must be within 2 miles of the principal campus of the college or university which owns and operates the apartment building or buildings.
- c. The educational institution which owns and operates the Student Apartment Housing shall provide documentation to the Township confirming that the institution by its internal regulations will prohibit resident students from (1) parking personal motor vehicles on the property of the Student Apartment Housing during the academic year without first obtaining permission from the educational institution for reasons related to health, disability, or other exceptions expressly stated by the educational institution; and (2) parking personal vehicles overnight at

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any location other than that designated by the educational institution, pursuant to permit procedures. The documentation referred to above shall include information regarding how the educational institution will make resident students aware of local ordinances, expectations for adhering to those ordinances, and, in general, standards of conduct which will enable the resident students to be good citizens within the Abington Township community.

- d. For the purposes of Student Apartment Housing, the term “apartment” shall mean a single habitable unit which is used or intended for use by not more than six persons.
- e. Apartments shall be occupied only by persons enrolled in, employed by, or guests of the institution that owns and operates the Student Apartment Housing.
- f. Access to each apartment must be from the interior of the building.
- g. Each apartment (excluding apartments for resident advisors and staff) must contain the following:
  - (i) One bed for each occupant. All beds must be located in bedrooms, with no more than two beds per bedroom.
  - (ii) One bathroom with two sinks, one toilet and one shower.
  - (iii) One kitchen.
  - (iv) One living/dining room or area.
  - (v) One coat/utility closet.
- h. Front yard setback. If the Student Apartment Housing facility fronts on Old York Road, the front yard setback may be reduced to ten (10) feet.

- i. Proximity to Rail Transportation. The Student Apartment Housing use must be located within two miles of a regional railway station.
- j. Density Requirements.
  - (i) Each apartment may be occupied by a maximum of six persons.
  - (ii) The total number of beds in Student Apartment Housing shall be limited to one bed per every two hundred and fifty (250) square feet of Gross Site Area.
- k. Residential Buffer. Along the side or rear property line of any yard adjoining a residential zoning district, a screen buffer of not less than twenty (20) feet shall be provided. Should the property line abut designated open space within a residential district, the screen buffer is not required.
- l. The green area dispersal requirements of section 402.4.K shall not apply where the parking areas are divided into areas containing a minimum of 10 parking spaces and those areas are separated by building or green area.

**Section 3.** Section 901.8 of the Zoning Ordinance of the Township of Abington, pertaining to parking requirements for residential uses, shall be amended by the addition of regulations for the H-1.A Student Apartment Housing use, to read as follows:

**Use H-1.A: Student Apartment Housing:** One parking space for every 5 beds in the Student Apartment Housing. Parking spaces for Student Apartment Housing shall be a minimum size of nine (9) feet by eighteen (18) feet and shall be separately marked with double line striping centered on the nine (9) foot width mark, notwithstanding the provisions of 902.1.A and B. The required number of parking spaces

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may be reduced by a maximum of thirty percent (30%) if the college or university which owns and operates the Student Apartment Housing provides, or makes available the following:

- a. a regularly scheduled shuttle service between the Student Apartment Housing facility and the college or university's campus. Shuttle buses shall not be parked on site when not in service.
- b. a ride-share program;
- c. To the extent such programs are readily available, car-share services; and
- d. bike-share services.

The parking space reduction provided for by this section shall be in lieu of the parking space reduction factors provided for in section 902.4 of the Zoning Ordinance. The Student Apartment Housing use shall not be considered a "multiple use retail center" or "planned business complex" as those terms are used in section 902.2 of the Zoning Ordinance. Bus parking spaces are not required.

**Section 4.** The use table appearing after section 1404 of the Zoning Ordinance shall be amended by the addition of Use H-1.A Student Apartment Housing, to be permitted only in the Planned Business Districts.

**Section 5. Repealer.** All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

**Section 6. Severability.** In the event that any section, sentence, clause, or word of this ordinance shall be declared illegal, invalid, or unconstitutional by any court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose the validity of the remaining portions of this ordinance.

**Section 7. Effective Date.** This Ordinance shall be effective as of the date of enactment.

**ENACTED** and **ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_,  
2015.

TOWNSHIP OF ABINGTON

Attest:

\_\_\_\_\_  
Michael LeFevre, Secretary

By:

\_\_\_\_\_  
Wayne C. Luker, President  
Board of Commissioners

**MONTGOMERY COUNTY  
BOARD OF COMMISSIONERS**

JOSH SHAPIRO, CHAIR  
VALERIE A. ARKOOSH, MD, MPH, VICE CHAIR  
BRUCE L. CASTOR, JR., COMMISSIONER



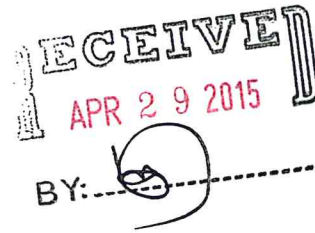
**MONTGOMERY COUNTY  
PLANNING COMMISSION**

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JODY L. HOLTON, AICP  
EXECUTIVE DIRECTOR

April 27, 2015

Mr. Mark A. Penecale, Zoning Officer  
Abington Township  
1176 Old York Road  
Abington, Pennsylvania 19001-3713



Re: MCPC #15-0090-001  
Zoning Amendment: Amend Zoning  
Ordinance: Providing Regulations for  
Student Apartment Housing  
Abington Township

Dear Mr. Penecale:

We have reviewed the above referenced zoning text amendment in accordance with Section 609 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on March 25, 2014. We forward this letter as a report of our review and recommendations.

### **Applicant's Proposal**

The Township proposes to revise its Zoning Regulations to address Student Apartment Housing.

### **Review Comments**

- A. Proximity to Commuter Rail – The ordinance requires all student apartment housing uses to be located in the PB District, and within two miles of a commuter rail station. All of the PB District is within two miles of a commuter rail station. The proximity to commuter rail could be mentioned in the intent section instead.
- B. Community Service District – The proposed ordinance's intent section links the presence of a student population to a community's vibrancy. We recommend that consideration be given to allowing this use not only in the PB Planned Business District, but also in the CS Community Service District, since there are sites in both districts where the presence of student apartments could benefit local business districts.
- C. Parking – The ordinance prohibits on-site parking, while making exceptions for reasons related to health, disability, or other exceptions expressly stated by the educational institution. The ordinance might include a parking permit system which would allow a reasonable proportion of the student residents to park on-site; alternately, the educational institution might make a significant number of exceptions so that a good number of students are allowed to park on-site (for that matter, is there



any limit on the number of "exceptions" that the educational institution could make?). Despite the alternative transportation options required, it's possible that the arrangement may be problematic.

- D. Apartment Configuration – The ordinance says that each apartment must contain one bathroom. Will one bathroom be enough for six people? (or should it say "a minimum of one bathroom"?)
- E. Parking Areas – The ordinance says that green area dispersal requirements shall not apply where parking areas are divided into areas containing a minimum of 10 parking spaces separated by building or green area. Should that say a "maximum" of 10 parking spaces?

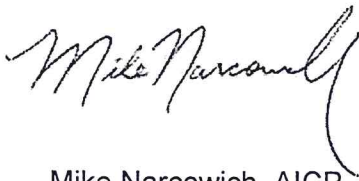
### Recommendation

The Montgomery County Planning Commission recommends approval of the proposed zoning text amendment.

Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality.

Should the governing body adopt this proposed zoning text amendment, Section 609 of the Municipalities Planning Code requires that we be sent an official copy within 30 days.

Sincerely,



Mike Narcowich, AICP, Principal Community Planner  
610.278.5238 – [mnarcowi@montcopa.org](mailto:mnarcowi@montcopa.org)

- c: Michael LeFevre, Township Manager  
Lawrence T. Matteo Jr., Director of Planning and Code Enforcement  
Michael E. Powers, P.E., Township Engineer  
Michael P. Clarke, Esq., Rudolph Clarke, LLC, Township Solicitor