Cheltenham Township
Zoning Code Draft

June 2015

TABLE OF CONTENTS

ARTICLE I
Legislative Intent of Zoning Ordinance
Section 100. Title and Scope
Section 101. Short Title
Section 102. Effective Date and Repealer
Section 103. Declaration of Legislative Intent
Section 104. Statement of Community Development Objectives
Section 105. Interpretation
Section 106. Conflict
Section 107. Separability

ARTICLE II
Zoning District Classifications
Section 200. Establishment of Districts
Section 201. Enumeration of Districts
Section 202 Zoning Map
Section 203. Zoning District Boundaries

ARTICLE III
Definitions
Section 300. Interpretation
Section 301. Definitions

ARTICLE IV
Use Regulations
Section 400. Regulation of Uses
Section 401. Purpose
Section 402. Applicability and Interpretation
Section 403. Permitted Uses
Section 404. Legal Status of Uses
Section 405. Categories of Permitted Uses

ARTICLE V
R1 Residential Districts
Section 500. Legislative Intent
Section 501. Permitted Uses
Section 502. Dimensional Standards
Section 503. Additional Regulations Applying to Single-family Detached Dwellings

DRAFT

ARTICLE VI
R2 Residential Districts

Section 600. Legislative Intent
Section 601. Permitted Uses
Section 602. Dimensional Standards
Section 603. Additional Regulations Applying to Single-family Detached Dwellings
Section 604. Special Exception Criteria

ARTICLE VII
R3 Residential Districts

Section 700. Legislative Intent
Section 701. Permitted Uses
Section 702. Dimensional Standards
Section 703. Additional Regulations Applying to Single-Family Detached and Two-Family Dwellings
Section 704. Additional Regulations Applying to Single-Family Attached Dwellings

ARTICLE VIII
R4 Residential Districts

Section 800. Legislative Intent
Section 801. Permitted Uses
Section 802. Dimensional Standards
Section 803. Additional Regulations Applying to Single-Family Detached and Two-Family Dwellings
Section 804. Additional Regulations Applying to Single-Family Attached Dwellings
Section 805. Conversions of Dwellings in the R4 Residential District

ARTICLE IX
M1 Multifamily Residential Districts

Section 900. Legislative Intent
Section 901. Permitted Uses
Section 902. Dimensional Standards
Section 903. Additional Regulations for Multifamily Dwellings

ARTICLE X
M2 Multifamily Residential Districts

Section 1000. Legislative Intent
Section 1001. Permitted Uses
Section 1002. Dimensional Standards
Section 1003. Additional Regulations for Multifamily Dwellings

ARTICLE XI
C1 Commercial Districts

Section 1100. Legislative Intent
Section 1101. Permitted Uses
Section 1102. Dimensional Standards

DRAFT

Section 1103. Design Standards

ARTICLE XII
C2 Commercial Districts
Section 1200. Legislative Intent
Section 1201. Permitted Uses
Section 1202. Dimensional Standards

ARTICLE XIII
MU1 Mixed-Use Districts
Section 1300. Legislative Intent
Section 1301. Permitted Uses
Section 1302. Dimensional Standards

ARTICLE XIV
MU2 Mixed-Use Districts
Section 1400. Legislative Intent
Section 1401. Permitted Uses
Section 1402. Dimensional Standards

ARTICLE XV
MU3 Mixed-Use Districts
Section 1500. Legislative Intent
Section 1501 Permitted Uses
Section 1502 Class One Special Exception Standards
Section 1503 Class Two Special Exception Standards
Section 1504. Class One and Class Two Bonus for Sustainable Development

ARTICLE XVI
LI Light Industrial Districts
Section 1600. Legislative Intent
Section 1601. Permitted Uses
Section 1602. Dimensional Standards

ARTICLE XVII
CDO Campus Development Overlay District
Section 1700. Legislative Intent
Section 1701. Applicability
Section 1702. Permitted Uses
Section 1703. Development Standards
Section 1704. Dimensional Standards
Section 1705. Design Standards

DRAFT

ARTICLE XVIII

HPO Historic Resource Overlay Districts

Section 1800. Legislative Intent
Section 1801. Definitions
Section 1802. Boundaries of Historic Resource Overlay Districts
Section 1803. Applicability; Certificate of Appropriateness Review
Section 1804. Board of Historical and Architectural Review (BHAR)
Section 1805. Public Works Committee of the Board of Commissioners
Section 1806. Review Criteria: The Secretary of the Interior's Standards for Rehabilitation
Section 1807. Review Procedures for Certificate Of Appropriateness Applications
Section 1808. Time Limitations
Section 1809. Expiration
Section 1810. Exceptions to Certificate of Appropriateness Procedure
Section 1811. Documentation Of Historic Resource Prior To Demolition Or Relocation.
Section 1812. Demolition by Neglect
Section 1813. Violations
Section 1814 Certification By Pennsylvania Historical And Museum Commission

ARTICLE XIX

FPO Floodplain Conservation Overlay Districts

Section 1900. Statutory Authorization
Section 1901. Legislative Intent
Section 1902. Applicability
Section 1903. Abrogation And Greater Restrictions
Section 1904. Severability
Section 1905. Warning And Disclaimer Of Liability
Section 1906. Definitions
Section 1907. Identification Of Floodplain Areas
Section 1908. Description And Special Requirements Of The Floodplain Conservation District
Section 1909. Changes In Identification Of Area
Section 1910. Boundary Disputes
Section 1911. Corporate Boundary Changes
Section 1912. Uses Permitted By Right
Section 1913. Uses Prohibited In The Floodplain Conservation District
Section 1914. Nonconforming Structures And Uses In The Floodplain Conservation District
Section 1915. Improvements To Existing Structures In The Floodplain Conservation District
Section 1916. Variances
Section 1917. Technical Provisions In The Event Of A Variance Being Granted
Section 1918. Elevation And Floodproofing Requirements
Section 1919. Special Technical Requirements
Section 2020. Design And Construction Standards
Section 1921. Activities Requiring Special Permits
Section 1922. Application Requirements For Special Permits
Section 1923. Application Review Procedures
Section 1924. Special Technical Requirements
Section 1925. Administration
Section 1926. Application Procedures And Requirements

DRAFT

Section 1927. Review By County Conservation District
Section 1928. Review Of Application By Others
Section 1929. Changes
Section 1930. Placards
Section 1931. Start Of Construction
Section 1932. Enforcement
Section 1933. Appeals.

ARTICLE XX

RCO Riparian Corridor Conservation Overlay District

Section 2000. Legislative Intent
Section 2001. Applicability
Section 2002. Boundary Definition And Interpretation
Section 2003. Boundary Adjustments
Section 2004. Uses Permitted In The Riparian Corridor Conservation District
Section 2005. Uses Specifically Prohibited In The Riparian Corridor Conservation District
Section 2006. Inspections Of The Riparian Corridor Conservations District
Section 2007. Corridor Crossing Standards

ARTICLE XXI

SSO Steep Slope Conservation Overlay Districts

Section 2100. Legislative Intent
Section 2101. Boundary Definition; Exemptions
Section 2102. Overlay Concept
Section 2103. Land Use And Development Regulations
Section 2104. Permitted Uses
Section 2105. Application Requirements For Variances
Section 2106. Existing Uses
Section 2107. Township Liability

ARTICLE XXII

PO Preservation Overlay Districts

Section 2200. Legislative Intent
Section 2201. District Established
Section 2202. General Regulations

ARTICLE XXIII

Parking and Loading

Section 2300 Legislative Intent
Section 2301 General Parking Regulations

ARTICLE XXIV

Signs

Section 2400 Legislative Intent
Section 2401 Definitions
Section 2402 General Regulations

DRAFT

Section 2403 Prohibited Signs and Illumination
Section 2404 Signs Exempt from Permits
Section 2405 Signs Requiring a Permit
Section 2406 Permit Procedures
Section 2407 Nonconforming Signs

ARTICLE XXV

Nonconforming Structures, Uses, and Lots

Section 2500 Nonconforming Status
Section 2501 Nonconforming Classifications
Section 2502 Nonconforming Regulations
Section 2503 Administration

ARTICLE XXVI

General Regulations

Section 2600 Public Utility Corporations and Municipal Uses
Section 2601 Yard Regulations
Section 2602 Corner Lots
Section 2603 Prohibited Uses
Section 2604 Interpretation of Provisions
Section 2605 School Property
Section 2606 Cellar Apartments Prohibited
Section 2607 Open Space Standards
Section 2608 Wireless Communications Facilities Regulations

ARTICLE XXVII

Administration

Section 2700 Zoning Officer
Section 2701 Duties and Powers
Section 2702 Permits
Section 2703 Application for Permit
Section 2704 Fees

ARTICLE XXVIII

Cheltenham Township Zoning Hearing Board

Section 2800 Membership
Section 2801 Powers and Duties
Section 2802 Rules and Procedure
Section 2803 Public Hearings; Action; Appeals
Section 2804 Criteria for Granting Special Exceptions and Variances
Section 2805 Criteria for Granting Reasonable Accommodations
Section 2806 Time Restriction for Renewal of Application
Section 2807 Expiration
Section 2908 Appeal to Court

ARTICLE XXIX

DRAFT

Violations, Fines, Remedies and Charges

Section 2900 Violations, Causes of Action
Section 2901 Enforcement Notice
Section 2902 Enforcement Remedies and Fines
Section 2903 Charges

ARTICLE XXX

Amendments

Section 3000 Power to Amend
Section 3001 Public Hearing; Notice
Section 3002 Procedure at Public Hearing
Section 3003 Citizen's Petition for Zoning Change
Section 3004 Opportunity to be heard
Section 3005 Time Restrictions on Appeals for Amendments

APPENDIX A

Zoning Map Amendments

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ARTICLE I

LEGISLATIVE INTENT

BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Cheltenham, a municipality of Montgomery County, Pennsylvania, pursuant to the provisions of the "Pennsylvania Municipalities Planning Code," this Ordinance is established as follows:

§295-100. TITLE AND SCOPE

A. This Ordinance, herein entitled "Cheltenham Township Zoning Ordinance of 2015," regulates the uses of land; the size, height, bulk, location, erection, alteration, removal and use of structures; the areas and dimensions of land to be occupied by uses and structures, as well as yards, and other open spaces and distances to be left unoccupied by uses and structures; the density of population and intensity of land use; the provision of parking for motor vehicles; the erection of signs; and the protection and preservation of natural and historic resources; in all portions of the Township of Cheltenham.

§295-101. SHORT TITLE

A. This Ordinance shall be known as and may be cited as the "Zoning Code."

§295-102. EFFECTIVE DATE AND REPEALER

A. This Chapter shall become effective on [date adopted], and as amended thereafter. This Chapter shall replace and repeal "The Cheltenham Zoning Ordinance of 1929" and all of its supplements and amendments.

§295-103. DECLARATION OF LEGISLATIVE INTENT

A. This Ordinance is enacted in accordance with Article VI of the Pennsylvania Municipalities Planning Code for the purpose of promoting the health, safety, morals, and general welfare of the inhabitants of Cheltenham Township, and is designed to:

1. Prevent the loss of health, life or property from fire, flood, panic or other dangers;

2. Provide adequate access to sunlight and air;

3. Prevent overdevelopment of land and overcrowding of population;

4. Minimize danger and congestion on the Township's roadways and other transportation routes;

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5. Facilitate the adequate provisions of transportation, water, sewerage, schools, parks, open space, and other public requirements;

6. Promote a comprehensive land-use pattern which recognizes the unique cultural, historical, and natural features of Cheltenham Township and provides for the preservation of these features.

7. Encourage the most appropriate uses of land throughout the Township.

§295-104. STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES

A. The fundamental purpose of this Ordinance is to implement the Goals and Objectives of the Cheltenham Township Comprehensive Plan adopted by the Township on February 15, 2005 (as amended). The following are specific community development objectives intended to guide the Township's future development:

1. Preserve and enhance the existing commercial, residential, institutional, recreation and open space features of the Township to protect the quality of life of all Township residents.

2. Enhance the Township's economic assets by increasing the tax base and continuing the revitalization and redevelopment of both the commercial and residential areas.

3. Maintain and enhance the Township's diverse residential neighborhoods and housing stock.

4. Encourage additional commercial development that is compatible with surrounding areas.

5. Accommodate office development that can provide employment opportunities and contribute to the Township's tax base without sacrificing the residential character of the Township.

6. Provide a safe, efficient transportation system that balances automobile, pedestrian, bicycle, and public transportation.

7. Maintain existing industrial uses within the Township, while allowing new environmentally responsible and technologically advanced light industrial uses.

8. Maintain and enhance the Township's parks and recreation areas and improve access to and inter-connections of open space.

9. Enhance the efficient utilization of existing community facilities and replacement of obsolete facilities.

10. Protect and conserve the integrity of significant natural features of the Township, such as watercourses, floodplains, steep slopes, soils, woodlands, and wetlands.

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11. Protect the unique historic resources that are located within the community and encourage the preservation, rehabilitation, and restoration of these irreplaceable structures and landscapes.

§295-105. INTERPRETATION

A. The provisions of this Chapter shall be the minimum requirements to ensure the promotion of health, safety, and welfare. The Comprehensive Plan, in accordance with this Chapter enacted, is reflected in the provisions of this Chapter. The Comprehensive Plan and this Chapter have been formulated to implement the purposes set forth in §295-101, as well as the Community Development Objectives set forth in §295-102. It is the further intent of this Chapter that any recommendations made by any planning agency to any governing body shall be advisory only.

§295-106. CONFLICT

A. It is not intended by this Chapter to repeal, abrogate, annul or interfere with any existing ordinances or enactment, or with any rule, regulation or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of this Chapter; provided, that where this Chapter imposes greater restrictions upon the use of buildings or land, or upon the height and bulk of buildings, or prescribes larger open spaces than are required by the provisions of such ordinance, enactment, rule, regulation or permit, then the provisions of this Chapter shall control.

§295-107. SEPARABILITY

A. If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

B. If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any use, lot, building, tract of land, or other structure to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy and application of any such provision to other persons, property, or situations shall not be affected.

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ARTICLE II

ZONING DISTRICT CLASSIFICATIONS

§295-200. ESTABLISHMENT OF DISTRICTS

A. The Township of Cheltenham is hereby divided into zoning districts of different types, with each type being of such number, shape, kind, and area, and with common unity of purpose and adaptability of use, that are deemed by the Board of Commissioners as most suitable to carry out the goals and objectives in the Comprehensive Plan and the general purpose and intent set forth in this Ordinance.

§295-201. ENUMERATION OF DISTRICTS

A. For the purposes of this chapter, Cheltenham Township is hereby divided into the following zoning and overlay districts, which shall be designated as follows:

B. **Mapped Zoning Districts** :

1. **Residential Zoning Districts:**

   a. R1 Residential Districts

   b. R2 Residential Districts

   c. R3 Residential Districts

   d. R4 Residential Districts

   e. M1 Multifamily Residential Districts

   f. M2 Multifamily Residential Districts

2. **Mixed-Use and Non-Residential Zoning Districts:**

   a. C1 Commercial Districts (Regional Retail Centers)

   b. C2 Commercial Districts (Commercial Corridors)

   c. MU1 Mixed-Use Districts (Regional Town Centers)

   d. MU2 Mixed-Use Districts (Neighborhood Centers)

   e. MU3 Mixed Use Development Districts

   f. LI Light Industrial Districts

3. **Overlay Zoning Districts:**

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a. Campus Development Overlay District

b. Historic Resource Overlay District

c. Floodplain Conservation Overlay District

d. Riparian Corridor Conservation Overlay District

e. Steep Slope Overlay District

f. Preservation Overlay

§295-202. ZONING MAP

A. The boundaries of said districts shall be shown upon the map attached to and made part of this chapter which shall be designated "Zoning Map." The map and all notations, references, and other data shown thereon are hereby incorporated into this chapter and shall be as much a part of this chapter as if all were fully described therein.

§295-203. ZONING DISTRICT BOUNDARIES

A. The boundaries between districts are, unless otherwise indicated, either the centerlines of street or railroad rights-of-way, or such lines extended, or lines parallel thereto. Where figures are shown on the Zoning Map between a street and a district boundary line, they indicate that the district boundary line runs parallel to the street line at a distance therefrom equivalent to the number of feet indicated.

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ARTICLE III

DEFINITIONS

§295-300. INTERPRETATION

A. For the purposes of this Code, words and terms used herein shall be interpreted as follows, unless a contrary intention clearly appears in the text of a specific section:

1. Words used in the present tense shall include the future tense.

2. Words used in the singular shall include the plural, and those used in the plural shall include the singular.

3. The word "person" shall include an individual as well as a corporation, partnership, association, or other legal entity.

4. The word "lot" shall be interchangeable with the words "plot," "parcel," "premises," "tract," or "site."

5. The words "shall" and "will" are always to be construed as mandatory; the words "may," "should," and "are encouraged" are always to be construed as optional.

6. The words "used" or "occupied," when applied to any land or building, shall include the words "arranged for," "designed for," or "intended for."

7. The word "building" shall always be construed as if followed by the words "or part thereof."

8. The word "building" shall include the word "structure."

9. Any word or term not specifically defined herein shall be construed with a meaning of standard usage.

B. If a word or term is not defined in this Chapter, but is defined in the Subdivision and Land Development Ordinance, Building Code, or in any other applicable Code adopted by the Township of Cheltenham, the definition in that ordinance shall apply.

C. All uses shall be construed in accordance with the Use Regulations set forth herein.

§295-301. DEFINITIONS

A. Unless otherwise expressly stated, the following words shall, for the purpose of this Chapter, have the meanings herein indicated:

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1. **ACCESSORY BUILDING:** A building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.

2. **ACCESSORY STRUCTURE:** A subordinate structure either detached from or attached to a principal building on the same lot, which serves a purpose clearly incidental to the permitted principal use of that lot or principal building. Accessory structures include decks, fences, and sheds.

3. **ACCESSORY USE:** A lawful use subordinate to, but not necessarily incidental to, the principal use of a lot or of a principal building on the same lot.

4. **ALTERATION:** As applied to a building or structure, a change or rearrangement in the structural parts, or an enlargement, whether by extending or by increasing in height, or the moving from one location or position to another. In the case of a nonconforming use, an alteration is any change in or addition to a building which would prolong the life of such use or building.

5. **AMENDMENT:** A change in the requirements of any use provided for in this ordinance, which would necessitate a revision to the zoning ordinance text in order to accommodate the change, or a change in any zoning district boundary which would necessitate a revision to the official Zoning Map of the Township. The authority for any amendment lies solely with the Board of Commissioners.

6. **AMPHITHEATER:** An outdoor oval or round structure having tiers of seats rising gradually outward from a central open space or arena.

7. **ANTENNA:** Telecommunications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless telecommuniations.

8. **APARTMENT:** A room or group of rooms in a multiple dwelling or an apartment hotel designed for and occupied exclusively as a residence for only one family.

9. **APARTMENT HOTEL**: A multiple dwelling which provides meal service for its tenants and their guests, with or without a central dining room, such service not being available to the general public.

10. **APPEAL:** Action as prescribed in this Ordinance and by laws of the Commonwealth taken by an aggrieved applicant against the action, decision, or interpretation of officers appointed by the Municipality to enforce the provisions of this Ordinance.

11. **APPLICANT:** An individual, partnership, corporation, or other legal representative who, with the permission of the landowner of record, files an application for any permit, use, or provision provided for in this Ordinance.

12. **APPLICATION:** A written form supplied by the Township for a Township approval, decision, or permit, including any accompanying site plan and additional information and materials that the Township requires the applicant to submit.

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13. **BASE STATION:** A station at a specified site authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies, and other associated electronics.

14. **BASEMENT:** A portion of a building located partly or wholly underground that contains usable floor area. A basement shall be considered a "story" if more than 50% of the perimeter walls at the basement ceiling height are five feet or higher above the adjacent finished grade. A basement shall be counted in the floor area of a building if it is finished or used for other than utility and storage purposes.

15. **BED AND BREAKFAST:** An owner-occupied single-family dwelling where lodging is offered for compensation, having no more than seven (7) sleeping rooms for this purpose. A bed and breakfast operation may offer a morning meal for overnight guests only.

16. **BILLBOARD:** A sign, in excess of 24 square feet in area, which directs attention to a business, commodity, service, entertainment or facility not located, conducted, sold or offered upon the premises where such sign is located or which calls public attention to a candidate, cause or public issue and which may be either freestanding or mounted upon the roof of a building.

17. **BREWERY/DISTILLERY/WINERY:** A facility for the production, packaging and sampling of alcoholic beverages—including beer, wine, cider and distilled liquors—for retail or wholesale distribution, for sale or consumption on- or off-premises, and which produces 100,000 gallons or more of such beverages per year.

18. **BREWPUB:** A restaurant, as defined herein, that includes as an accessory use the on-premises production of alcoholic beverages—including beer, wine, cider and distilled liquors—which produces less than 100,000 gallons of such beverages per year, and primarily sells its beverages on-site, either for on- or off-premises consumption. The area used for brewing, distilling, bottling, and kegging shall not exceed 30 percent of the total gross leasable floor area.

19. **BUFFER AREA:** An area designed to ease the transition between uses or intensity of uses on abutting properties, typically located adjacent to a property line. Buffer areas shall be used for no purpose other than planting and screening and shall be landscaped according to requirements set forth herein. Unless otherwise specified, a "buffer" may be included as part of the required setbacks and yard areas, and also as part of any required open space area.

20. **BUILDING:** Any structure having enclosed walls and a roof and permanently located on the land, which is used or intended to be used to house persons, animals, or property.

21. **BUILDING, PRINCIPAL**: A building in which is conducted or could be conducted the principal use of the lot on which it is situated.

22. **BUILDING AREA:** The aggregate of the maximum horizontal cross section area at the ground level of all buildings on a lot, excluding cornices, eaves, gutters, or chimneys

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projecting not more than thirty-six (36) inches, bay windows not extending more than one (1) story and not projecting more than five (5) feet, stoops, steps and balconies.

23. **BUILDING COVERAGE:** The aggregate area of a lot covered by principal and accessory buildings, as measured at grade level. Building coverage area shall not include cornices, eaves, gutters or chimneys projecting not more than 36 inches, bay windows not extending through more than one story and not projecting more than five feet, stoops, steps and balconies. Building coverage shall be expressed as a percentage ratio of the lot area covered by buildings divided by the total developable area.

24. **BUILDING ENVELOPE**: The area of a lot within which a principal building may be erected. This area is defined by the limits of the minimum front, side, and rear yard areas, and encompasses the area of the lot found in the yard areas and rights-of-ways.

25. **BUILDING HEIGHT:** See definition of "HEIGHT."

26. **CALIPER**: Where this term is used in connection with the measurement of existing trees on a site, it shall be construed to be a measurement of the diameter of the main trunk of a tree taken at a point on the trunk four and one-half (4 1/2) feet above natural grade.

    a. Where this term is used in connection with the installation of new or replacement trees, it shall be construed to be a measurement of the diameter of the main trunk measured twelve (12") inches from the ground level, or the top of the root ball.

27. **CARPORT:** A structure erected over a driveway entirely open on at least two sides exclusive of the necessary supporting columns and customary architectural features.

28. **CEMETERY:** A place for the disposal or burial of deceased human beings, by cremation or in a grave, mausoleum, vault, columbarium or other receptacle. The term does not include a private family cemetery.

29. **COLLOCATION**: The placement or installation of new wireless telecommunications facilities on previously approved and constructed wireless support structures, including self-supporting or guyed monopoles and towers, electrical transmission towers, water towers, or any other structure not classified as a wireless support structure that can support the placement or installation of wireless telecommunications facilities if approved by the Township. The term includes the placement, replacement, or modification of accessory equipment within a previously approved equipment compound.

30. **COMMERCIAL/CONSTRUCTION VEHICLES (C/C VEHICLES):** Those vehicles that are used in and/or for the operation of a commercial and/or construction business. C/C vehicles are classified as follows:

    a. Class I C/C vehicles are passenger cars, station wagons, standard size vans (nine seats maximum) and pick-up trucks up to 1/2 ton capacity that do not have logos and/or advertising on them.

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b. Class 2 C/C vehicles are passenger cars, station wagons, standard size vans (nine seats maximum) and pick-up trucks up to 1/2 ton capacity that do have logos and/or advertising on them.

c. Class 3 C/C vehicles are all C/C vehicles not falling under Class 1 C/C vehicles or Class 2 C/C vehicles.

31. **COMMON OPEN SPACE:** A parcel or parcels of land or an area of water or a combination of land and water within a development site designed and intended for the use or enjoyment of residents of the development, not including streets, off-street-parking areas and areas set aside for public facilities, such as mobile home park offices, community buildings, etc. Common open space shall be substantially free of structures but may contain such improvements as are in the development plan as finally approved and as are appropriate for the recreation of residents.

32. **COMMON OWNERSHIP:** Ownership by the same persons or entities, or directly or indirectly by persons or entities which are affiliates of one another and/or under common control by legal structure or by agreement, and all successors and assigns thereof or purchasers or transferees therefrom, by agreement or operation of law. Ownership of percentage interests in an entity that do not constitute control of that entity shall not alone constitute common ownership, but ownership of a controlling equity interest, or contractual management control, in a controlling entity such as the general partner of a limited partnership, or contractual control by an individual or by minority interests having management authority under the organizational documents of an entity such as the operating agreement of a limited liability company, or common control under any other contractual relationship such as a management contract, shall be common ownership. "Ownership" shall include leasehold interests and shall include the right to ownership under an agreement of sale or option agreement.

33. **COMPREHENSIVE PLAN:** The 2005 Comprehensive Plan Update of Cheltenham Township or that Update most recently adopted by the Board of Commissioners of Cheltenham Township, as amended.

34. **CONDOMINIUM**: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, created under either the Pennsylvania Unit Property Act of July 3, 1963 or the Pennsylvania Uniform Condominium Act.

35. **CONTIGUOUS**: That which touches or shares a common boundary. Any two parcels or lots which are said to be contiguous are only those that share a common boundary. Any two parcels or lots whose only shared boundary is a street or road, public or private, would not meet this definition.

36. **DENSITY; DENSITY, NET:** Density is a measure of the intensity of the use of land expressed in terms of the number of dwelling units per developable acre. It shall be expressed in dwelling units per acre. Net density is the maximum density permitted in the buildable portion of the site, as calculated by dividing the total number of dwelling units by the developable acreage.

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37. **DEVELOPMENT**: Any human-made change to an improved or unimproved parcel of land, including but not limited to buildings or other structures, the placement of mobile homes, streets or other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operations.

38. **DISTRIBUTED ANTENNA SYSTEMS (DAS):** A network of spatially separated antenna nodes connected to a common source via transport medium that provides wireless service within a geographic area or structure.

39. **DORMITORY:** A room or building in a religious, educational, or other institution in which the residents sleep.

40. **DWELLING**:

    a. **Single-Family Detached Dwelling:** A dwelling designed for and occupied exclusively as a residence for one family and not attached to any other building or dwelling units, including trailers or mobile homes.

    b. **Two-Family Building:** A residential building containing two dwelling units and which is not attached to any other building. A two-family building counts as two dwelling units for density purposes.

    c. **Twin (Single-Family Semi-Detached):** A two-family building with dwelling units placed side-by-side, and joined to each other by a vertical, common wall, but otherwise surrounded by yard areas. When lotted, each dwelling unit shall be on a separate lot, with the common boundary between the two lots running along the common wall. Each unit shall have individual outside access.

    d. **Duplex (Two-Family Semi-Detached):** A two-family building with one dwelling unit placed above the other so that they share a common horizontal partition. When lotted, a duplex shall be entirely on one lot. Each unit shall have individual outside access.

    e. **Single-Family Attached Dwelling Unit:** A dwelling unit having its own independent outside access, with no other dwelling units located directly and totally above or below it, and having party walls in common with adjacent similar dwelling units, and located in a building comprised of at least three dwelling units. Each include, but not limited to, dwelling units commonly known as townhouses or rowhouses.

    f. **Townhouse (Rowhouse):** A single-family attached dwelling in a row of at least three but not more than six units, with one dwelling unit from ground to roof, each with individual outside access.

    g. **Multiplex:** An attached dwelling arranged in a variety of configurations: side by side, back to back, or vertically. Because of the variety of configurations, a multiplex can be designed to look like a large, single-family detached house.

    h. **Multifamily Building (Multiple Dwelling):** A detached residential building containing three or more dwelling units. Units shall not be arranged entirely in

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vertical rows (like townhouses), and are generally located entirely above or below one another. Units may share outside access and/or internal hallways, lobbies, and similar facilities. The dwelling units cannot be individually lotted, but instead share the lot or tract on which the building containing them is located. The development is usually under one operating unit, as a rental or condominium development. This dwelling type includes, but it is not limited to garden apartments, apartment houses, condominiums, flats, and multifamily conversions defined below:

i. **Multifamily conversion:** A multifamily dwelling that results from the conversion of a single-family or two-family dwelling or the adaptive reuse of a non-residential building.

41. **DWELLING UNIT:** One (1) or more rooms designed, occupied or intended to be occupied as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

42. **EDUCATIONAL USE:** Limited to those public, private or parochial educational institutions which are recognized, supervised and under the control of the Department of Public Education of the Commonwealth of Pennsylvania, including an elementary or secondary school, college, kindergarten or child nursery, but not a business school, trade school, dance studio or similar use.

43. **ELDERLY:** An individual at least 62 years of age.

44. **EMERGENCY:** A condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.

45. **EMPLOYEES OR NUMBER OF EMPLOYEES:** The greatest number of persons to be employed on the premises in question at any one time of the day or night.

46. **EQUIPMENT COMPOUND:** An area surrounding or adjacent to a wireless support structure within which base stations, power supplies, or accessory equipment are located.

47. **ESTATE DWELLING**: A large, privately-owned lot, comprising all or part of an area of deed-restricted open space and deed-restricted single-family dwelling unit of at least five thousand (5000) square feet.

48. **EVENT FACILITY**: A location, building, site or structure which is rented as a place for the purpose of accommodating a group of diners, patrons, guests, or other attendees for functions such as banquets, wedding receptions, parties, entertainment, meetings, conferences, performances, and/or similar gatherings.

49. **EVERGREEN**: A living evergreen plant or tree, including most conifers having green leaves or needles throughout the year.

50. **FAMILY**: Any number of individuals living and cooking together as a single housekeeping unit, provided that not more than two of such number are unrelated to

DRAFT

all of the others by blood, marriage or legal adoption. As a special exception, the Township Zoning Hearing Board may interpret the term "family" to apply to a group of individuals, not exceeding four, not related to each other by blood, marriage or legal adoption, living and cooking together as a single housekeeping unit. As a reasonable accommodation as set forth in the Federal Fair Housing Amendments Act, 42 U.S.C.A. § 3601 et seq., and in order to enable persons with handicaps equal access to housing in residential districts, the Township Zoning Hearing Board may interpret the term "family" to apply to a group of more than two individuals, not related to each other by blood, marriage or legal adoption, qualified by their handicap as defined herein. Not included under this definition are those individuals in facilities that would qualify as "treatment centers" as defined herein. Domestic servants shall be considered an adjunct to the term "family."

51. **FCC:** Federal Communications Commission.

52. **FLOODPLAIN, FLOODWAY, FLOODWAY FRINGE, APPROXIMATED FLOODPLAIN; SUPPLEMENTARY FLOODPLAIN:** These terms shall be construed in accordance with the definition of these terms as set forth in Article XXI hereof.

53. **FLOOR AREA:** The sum of the gross horizontal areas of each floor of a building, measured from the exterior walls or from the center line of party walls. The term does not include any area used exclusively for the parking of motor vehicles (surface parking or structured parking).

54. **FLOOR AREA RATIO (FAR)**: The ratio of gross building floor area to the total gross lot area.

55. **FOWL/POULTRY**: Any bird maintained, kept or possessed by a household, the keeping of which shall be allowed in the R1, R2, R3, and R4 districts and no other as accessory uses, to include the following and no other, the classifications for which shall be strictly construed: ducks, chickens, swans, turkeys, guinea fowl and pigeons kept for show or racing.

56. **GREEN AREA:** A completely landscaped area and shall include living planting and screening of sufficient height and density to protect and enhance surrounding property and the general appearance of the Township. The calculation of the "green area" may include lands provided in front, side, rear yards and all buffer areas as required under district provisions of this chapter.

57. **GROCERY STORE, SUPERMARKET, CONVENIENCE MARKET:** A retail market of any size selling a variety of foods and household items.

58. **HANDICAP:** With respect to a person, a physical or mental impairment which substantially limits one or more major life activities or having a record of such an impairment or being regarded as having such an impairment. The Township Zoning Hearing Board shall interpret this term consistent with its meaning as provided in the Fair Housing Amendments Act and the applicable provisions of the Code of Federal Regulations set forth thereunder.

DRAFT

59. **HEIGHT:** The height of a building shall be measured from the average ground level surrounding the building to a point midway between the highest and the lowest point of the main roof. There shall be no structures or projections above the main roof, except chimneys and housing for mechanical equipment, which housing shall not exceed 12 feet in height, except that the height of church spires shall be excluded in said measurement.

60. **HISTORIC RESOURCE**: A structure or building or portion thereof 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 an historic resource from any of the above listings. The term "historic resource" shall also include historic accessory uses.

61. **HOME BUSINESS:** See definition of "HOME OCCUPATION" below.

62. **HOME OCCUPATION:** An activity, occupation, or use that is professional and office-oriented in nature; and clearly customary, incidental, and accessory to the use of the premises as a single-family detached, twin, duplex, or single-family attached (townhouse) residential dwelling unit and which does not affect the residential character of the neighborhood. Unlike a No-Impact Home-Based Business, such an occupation allows for no more than one employee from off-site being permitted to work on the premises, signs in conformance with the sign regulations, and visitation by clients only by appointment, among other conditions.

63. **NO-IMPACT HOME-BASED BUSINESS**: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client, or patient traffic, whether vehicular or pedestrian, pickup, delivery, or removal functions to and from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

    a. The business activity shall be compatible with the residential use of the property and the surrounding residential uses.

    b. The business shall employ no employees other than family members residing in the dwelling.

    c. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

    d. There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.

    e. The business activity shall not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including

DRAFT

interference with radio or television reception, which is detectable in the neighborhood.

f. The business activity shall not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

g. The business activity shall be conducted only within the dwelling and shall not occupy more than 25% of the habitable floor area.

h. The business shall not involve any illegal activity.

i. The business shall be registered with Cheltenham Township.

64. **HOTEL:** A series of three or more dwelling units devoted mainly to the housing of transients and having on-site parking space and commercial facilities for the use of its occupants. Access to rooms shall be through a central lobby only and not directly to the parking facilities. "Hotels" shall include apartment hotels and boutique hotels, but not motels, motor courts, motor inns or motor lodges.

65. **HOUSE TRAILER:** Any vehicle used for living or sleeping purposes within the Township.

66. **IMPERVIOUS COVERAGE:** A measure of the intensity of use of land. It is measured by dividing the total area of all impervious surfaces within the site by the area of developable acreage.

67. **IMPERVIOUS SURFACE:** Those surfaces which do not absorb rainwater. All buildings, parking areas, driveways, roads, sidewalks, and any area in concrete, asphalt, and packed stone, including, without limitation, swimming pools, shall be considered impervious surfaces. In addition, other areas determined by the Township Zoning Officer to be impervious within the meaning of this definition shall also be classified as impervious surface.

68. **IMPROVEMENT:** Any alteration to a lot, parcel, building, or structure.

69. **INTERIOR:** When referring only to Historic Resources, the entrance halls, lobbies, and foyers on the first, main floors of the Historic Resources, as well as the staircases accessing such areas.

70. **JUNKYARD:** A junkyard shall include any of the following: a lot, land or structure, or part thereof, used primarily for the collection, storage, and sale of wastepaper, rags, scrap metal, or discarded materials, including, without limitation, automobiles, appliances and machinery of any type, or for the collection, dismantling, storage or salvaging of machinery or vehicles not currently registered with the Pennsylvania Department of Transportation, or for the sale of parts thereof harvested from vehicles stored on the site.

71. **LAND DEVELOPMENT:** Any of the following activities:

DRAFT

a. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

a. a group of two (2) or more residential, or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or

b. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

b. A subdivision of land.

c. Developments which meet the definition of Section 503(1.1) of the Pennsylvania Municipalities Planning Code, as amended.

72. **LANDSCAPING:** The protection and/or improvement of an area of land and the surrounding property by arranging and planting materials to produce advantageous and/or picturesque effects.

73. **LIFE CARE FACILITY FOR THE ELDERLY** or **CONTINUING CARE RETIREMENT COMMUNITY (CCRC):** A residential facility for the elderly, 62 years of age or older, married or single, with no children under the age of 18 living with them, may include skilled nursing beds for those in need of more intensive care, provided that they number no more than 25% of the total number of residential units permitted. Residential apartment units shall be limited to two bedrooms or fewer. Limited accessory uses may be provided, but the accessory shops must be directed to or exclusively used by the residents, their visitors or staff.

74. **LIVESTOCK:** Any animal maintained, kept or possessed by a household, other than domesticated pets and fowl/poultry, which shall include those typically associated with agricultural animal husbandry, to include the following and no other, the classifications for which shall be strictly construed:

a. Cows (Bos taurus)
b. Goats (Capra hircus)
c. Horses and ponies (Equus caballus)
d. Mink
e. Sheep (Ovis aries),
f. Llamas and alpacas (Lama)
g. Pigs, hogs and boars (Suidae)

75. **LOADING AREA:** A space, accessible from a street or way, in a building or on a lot, for the temporary use of vehicles, while loading or unloading merchandise or materials. Such space shall be of a size as required by the district in which it is located, exclusive of access aisles and maneuvering spaces.

76. **LOT:** The parcel of land on which a main building and its accessory buildings are placed, together with the required open space. The area of a "lot" shall be measured to the street line only.

DRAFT

77. **LOT, CORNER:** A parcel of land situate at the junction of and fronting on two or more intersecting streets.

78. **LOT, INTERIOR:** A lot with road frontage on only one (1) side.

79. **LOT LINES:** The lines bounding a lot, expressed in courses and distances, provided however, that any street lines, for such portion of the lot which abuts the street, shall be considered lot lines for purposes of this Chapter.

80. **LOT WIDTH:** The width of a lot as measured at the minimum front yard setback line.

81. **MAINTENANCE OF BUFFER AND GREEN AREAS:** Consists of:

    a. Keeping all grass in said areas to a height not to exceed six inches.

    b. Trimming and pruning of all plants and trees and removal of dead wood or branches.

    c. Replacement of any and all dead, damaged or diseased plants and trees.

    d. Removal of all trash, paper or other debris in said areas.

82. **MAJOR LIFE ACTIVITY:** Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. The Township Zoning Hearing Board shall interpret this term consistent with its meaning as provided in the Fair Housing Amendments Act and the applicable provisions of the Code of Federal Regulations set forth thereunder.

83. **MICROBREWERY/MICRODISTILLERY/MICROWINERY:** A facility for the production, packaging and sampling of alcoholic beverages—including beer, wine, cider and distilled liquors—for retail or wholesale distribution, for sale or consumption on- or off-premises, and which produces less than 100,000 gallons of such beverages per year. “Nanobreweries” shall be included under this definition.

84. **MINOR GARAGE:** A building not a private garage used solely for the storage of motor vehicles.

85. **MOBILE HOME:** A single-family detached dwelling intended for permanent occupancy which may not meet local building codes but does meet the standards of the United States Department of Housing And Urban Development as indicated by the structural engineering bulletin(s) provided to the Board of Commissioners by the applicant. It shall be contained in one unit (called a "single-wide") or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing (called a "double-wide") which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used with or without a permanent foundation, including any roofed addition, such as extra rooms, patios, porches, etc.

DRAFT

86. **MOBILE HOME LOT:** A parcel of land in a mobile home park improved with the necessary utility connections and other appurtenances necessary for the installation of a mobile home.

87. **MOBILE HOME PARK:** A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement of mobile homes.

88. **MODIFICATION** or **MODIFY**: In the context of wireless telecommunications facilities, the improvement, upgrade, or expansion of existing wireless telecommunications facilities or base stations on an existing wireless support structure, or the improvement, upgrade, or expansion of the wireless telecommunications facilities located within an existing equipment compound, if the improvement, upgrade, expansion, or replacement does not substantially change the physical dimensions of the wireless support structure.

89. **MONOPOLE:** A steel flanged or tapered steel pole structure erected on the ground or on top of a structure, to support communications antennas.

90. **MOTEL:** A series of attached, semidetached or detached fixed dwelling units containing bedroom, bathroom and closet space where each unit has convenient access to on-site parking space for the use of the unit's occupants by way of separate, exterior entrances to each unit. The units, with the exception of the apartment of the manager or caretaker, are devoted to the use of automobile transients, shall not offer cooking facilities, and shall not offer long-term residency to transients (more than 30 days occupancy). Motor courts, motor inns and motor lodges are included in this definition of a "motel."

91. **NONCONFORMING STRUCTURE:** A structure or part of a structure manifestly not designed to comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment to its location by reason of annexation. Such "nonconforming structures" include, but are not limited to, nonconforming signs.

92. **NONCONFORMING USE:** A use, whether of land or of a structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

93. **OPEN FENCE:** A fence where the through visibility at right angles to any surface of such fence has not been reduced by more than 50% by fence construction.

94. **PARKING GARAGE:** Also known as a “parking structure,” a building not a private or minor garage or carport, one or more stories in height used for the storage and/or parking of motor vehicles open to customers, patrons or tenants of a business or residence, and can be publicly or privately owned.

DRAFT

95. **PARKING LOT:** A lot on a tract of land employed for the transient and open air parking of motor vehicles.

96. **PERFORMANCE STANDARDS:** Measures and standards by which the suitability of a proposed use can be measured by the extent of its external effects.

97. **PETS:** Any domesticated animal maintained, kept or possessed by a household, the keeping of which shall be allowed by right in any residential district, subject to any federal or state law or leasehold agreement to the contrary, and does not include those animals classified as "livestock" or "fowl/poultry." Only the following animals and no other are permitted as defined herein, the classifications for which shall be strictly construed:

    a. Cage birds (the term includes parakeets, parrots, canaries, finches, love birds, mynah birds and other birds ordinarily kept in cages in households; it excludes wild birds captured or rescued and kept in cages).
    b. Cats (Fells catus).
    c. Frogs (Salientia).
    d. Dogs (Canis familiaris), including prairie but excepting dingoes.
    e. Goldfish and carp (Cyprindae).
    f. Guinea pigs (Cavia cobaya).
    g. Hamsters (Cricetus and Mesocricetus).
    h. Lizard (Sauna)
    i. Mice, white (Mus musculus).
    j. Rats, white (Rattus norvegicus).
    k. Salamanders (any tailed amphibian).
    l. Rabbits, restricted to European type rabbits (Oryctolagus cuniculus), commonly kept as pets.
    m. Snakes, nonpoisonous and native to the Township.
    n. Toads (Salientia).
    o. Tropical fish, limited to those customarily maintained in a household aquarium except piranhas.
    p. Turtles (Chelonia).
    q. Ferrets (Mustela furo).

98. **PRIVATE GARAGE:** A building used for the storage of one or more automobiles owned and used by the owner or tenant(s) of the lot on which it is erected, for a purpose accessory to the use of the lot.

99. **PROFESSIONAL OFFICE:** The office or studio of a doctor, dentist, healer, teacher, accountant, lawyer, architect, planner, designer, consultant, or practitioner of similar character, excluding, however, veterinarians, animal hospitals and kennels.

100. **PUBLIC GROUNDS:** Land which is utilized for any of the following uses:

    a. Parks, playgrounds, public or community gardens, trails, paths and other active and passive recreational areas and other public areas;

    b. Publicly owned or operated scenic or historic sites.

DRAFT

101. **PUBLIC SIDEWALK AREA:** An area made available for the use of the public, irrespective of whether the sidewalk is situated within the legal right-of-way of a highway or on private property.

102. **PUBLIC UTILITIES FACILITIES:** A building or structure, together with related equipment, used for the transmission and exchange of telephone, radio, telephone, gas, power, sewer and water facilities. This shall not include cellular or digital telecommunications towers or related equipment.

103. **REASONABLE ACCOMMODATION:** A modification to the rules and regulations contained in the Cheltenham Zoning Ordinance of 2015, as amended, that enables persons with handicaps to acquire equal access to housing in a residential district as provided in the Fair Housing Amendments Act.

104. **RELIGIOUS USE:** Property owned by and utilized by a religious organization for public worship by a congregation, including religious school, ancillary and accessory uses.

105. **RIGHT OF WAY:** The surface of and space above and below any real property in the Township in which the Township has regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skywalks, or any other public place, area, or property under the control of the Township, and any unrestricted public or utility easements established, dedicated, platted, improved, or devoted for utility purposes, but excluding lands other than streets that are owned by the Township. The phrase "in the right(s)-of-way" means in, on, over, along, above and/or under the right(s)-of-way.

106. **SATELLITE DISH ANTENNA:** Shall include any of the following**:**

a. An antenna or dish antenna whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources.

b. A low-noise amplifier (LNA) which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals.

c. A coaxial cable whose purpose is to carry the signals into the interior of the building.

The height of the apparatus shall be measured vertically from the highest point of the apparatus when positioned for operation to the bottom of the base which supports the antenna or dish.

107. **SELF-STORAGE LOCKERS:** A building or group of buildings that contain individual, compartmentalized and controlled-access stalls or lockers for the dead storage of customers' goods or wares, also known as "miniwarehouses."

DRAFT

108. **SHED:** A general purpose accessory building on a residentially zoned lot, used for activities/functions specifically related to that lot. A shed shall neither be used for the storage of motor vehicles licensed to operate on public roads nor for any commercial construction and/or business use. The ground footprint of a shed shall not exceed the perimeter of a rectangle 12 feet by 15 feet; the maximum height to the apex of the roof of a shed shall be 15 feet.

109. **SIGN:** A structure, building wall or other outdoor surface, indoor surface visible to the outside, or any device used for visual communication which is used for the purpose of bringing the subject thereof to the attention of the public or to display, identify and publicize the name and product or service of an individual, business organization or institution. The size of a sign shall be determined by the area of the facing or surface of the sign upon, against or through which the message is displayed or illustrated on the sign.

110. **SINGLE AND SEPARATE OWNERSHIP**: The ownership of a lot by one (1) or more persons, partnerships, or corporations, which ownership is separate and distinct from that of any adjoining lot. An owner of a lot shall have the burden of establishing the single and separate ownership. For purposes of this Ordinance, such proof shall include, without limitation, whether the title to the lot was acquired by a deed separate and distinct from any other parcel or lot and whether the lot is assigned a separate and unique tax parcel number. The use of any lot in connection with a use on an adjacent lot shall be evidence of the merger of that lot to the adjoining lot.

111. **SITE AREA:** All land area within the site as defined by the deed. Area shall be calculated from an actual site survey rather than from the deed description.

112. **STEALTH TECHNOLOGY:** Camouflaging methods applied to wireless telecommunications towers, antennas and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antenna painted to match the existing structure, and facilities constructed to resemble trees, shrubs, and light poles.

113. **STEEP SLOPES:** Areas of land in which the average ground slope exceeds fifteen (15%) percent, which, because of this slope are subject to high rates of stormwater runoff and, therefore, erosion and flooding. This term is further defined in the "SS Steep Slope Conservation District" herein.

114. **STORY:** That part of a building located between a floor and the floor or roof next above. The first story of a building is the lowest story having seventy-five (75%) percent or more of its wall area above grade level.

115. **STREAM**: A watercourse having banks and channel which has a continuous flow of water, or for a majority of the year. This term is further defined in Article # hereof.

116. **STREET**: Includes a street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

DRAFT

117. **STREET LINE:** The dividing line between a street and a lot. The street line shall be the same as the outside boundary or ultimate legal right of way line of a public street or the outside boundary of a private road over which the owners or tenants of two (2) or more lots each held in single and separate ownership have the right of way.

118. **STRUCTURE:** Any form or arrangement of building materials which requires a fixed location on the ground, or attachment to something having permanent location on the ground, including but not limited to supporting walls, signs, covered screened enclosures and any other covered area [excluding grade-level driveways, sidewalks, curbing, and patios]; provided, however, neither a fence, nor a non-supporting wall acting as a screen or fence shall be considered a structure for the purpose of setbacks.

119. **SUBSTANTIAL CHANGE** or **SUBSTANTIALLY CHANGE:** In the context of wireless telecommunications facilities, any increase in the height of a wireless support structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceeds 20 feet, whichever is greater, except that the mounting of the proposed wireless telecommunications facility may exceed the size limits set forth herein if necessary to avoid interference with existing antennas.

120. **SWALE:** A watercourse having a channel which is part of the natural or man-made stormwater drainage system. Stormwater runoff is the only source of water flow. Floodplain soils may or may not be found within a swale.

121. **SWIMMING POOL:** Any permanent outdoor swimming pool; any permanent excavation in which water is permitted to or may otherwise collect in excess of 12 inches in depth; any temporary structure designed to hold water whether erected partially or entirely above ground level, in which water is permitted to or may otherwise collect in excess of 12 inches in depth. Only a swimming pool as above defined shall be considered a structure for purposes of this chapter.

122. **TRAILER CAMP:** Any land used or designed to be used as a parking space for more than one house trailer.

123. **TREATMENT CENTER:** A use (other than a prison or a hospital) providing housing for persons who need specialized housing, treatment and/or counseling because of:

    a. Criminal rehabilitation, such as a criminal halfway house for adult or juvenile delinquents;

    b. Current addition to alcohol, controlled substances or illegal drugs; and/or

    c. A type of mental illness or other documented behavior that causes a person to be a direct threat to themselves, to other persons or property.

124. **WATERCOURSE:** Any natural or artificial stream, river, creek, ditch, channel, canal, waterway, gully, or ravine in which water flows in a definite direction or course, either continuously or intermittently, and has a defined bed and banks.

125. **WETLANDS:** Those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances

DRAFT

do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. Any areas defined as Wetlands by the Army Corps of Engineers.

126. **WETLANDS MARGINS:** A transitional area extending from the outer limit of the wetland. This area is to be protected in order to preserve and promote the health and proper operation of wetlands.

127. **WHEN AUTHORIZED AS A SPECIAL EXCEPTION:** Permission or authorization when granted by the Township Zoning Hearing Board, in accordance with Article XXX of this Chapter, in situations where provision therefore is made by the terms of this chapter.

128. **WIRELESS:** Transmission through the airwaves, including but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

129. **WIRELESS SUPPORT STRUCTURE:** A freestanding structure, such as a guyed or self-supporting monopole or tower, electrical transmission tower, water tower or other structure not classified as a wireless support structure that could support the placement or installation of wireless telecommunications facilities if approved by the Township.

130. **WIRELESS TELECOMMUNICATIONS FACILITY:** The set of equipment and network components, including antennas, transmitters, receivers, base stations, cabling, and accessory equipment, used to provide wireless data and telecommunications services. The term shall not include the wireless support structure.

131. **WOODLANDS:** One-quarter acre (1/4) or more of wooded land where the largest trees measure at least six (6) inches in caliper. The woodland shall be measured from the dripline of the outer trees. Woodlands are also a grove of trees forming one canopy where ten (10) or more trees measure at least ten (10) inches in caliper.

132. **YARD**:

a. **Front Yard:** An open, unoccupied space extending across the full width of a lot and lying between the street line and the nearest point of the building. In the case of a corner lot, both yard areas abutting streets shall be construed as front yards.

b. **Rear Yard:** An open, unoccupied space extending across the full width of a lot and lying between the rear lot line, or the corner of a triangular lot furthermost from the front lot line, and the nearest point of the building. In the case of a corner lot, there shall be no rear yard.

c. **Side Yard:** An open, unoccupied space between the side lot line of a lot and the nearest point of the building and extending from the front yard to the rear yard.

133. **ZONING OFFICER:** The Director of Planning and Zoning or the Township's designee.

DRAFT

ARTICLE IV

USE REGULATIONS

§295-400. REGULATION OF USES

A. Except as provided for by law, no building, structure, land, lot, or premises shall be used for any purposes other than as permitted in this Ordinance.

§295-401. PURPOSE

A. It is the intent of this Article to provide clear and specific definitions of uses permitted within the various Cheltenham Township Zoning Districts, including development standards for uses that are permitted in more the one district.

§295-402. APPLICABILITY AND INTERPRETATION

A. When a use is proposed, the Zoning Officer shall make the final determination on which use classification described herein best defines or matches the use being proposed.

B. When a proposed use does not precisely match a use classification defined herein, the Zoning Officer shall determine which described use it most closely matches. If the principal use proposed is similar in most respects to a given described use, then the proposed use shall be classified according to the use defined herein.

C. All uses permitted by right, or by special exception, shall be subject to the use regulations herein, as well as any applicable district regulations, and any other applicable provisions as are specified in the Township Code. If there is a conflict between the use regulations herein and any other applicable regulations, the more restrictive regulation shall apply, unless otherwise noted.

D. A building, structure, lot, or premises shall be permitted only one principal use, except as may be provided for in this ordinance.

E. A building, structure, lot, premises, or use shall not be altered, partitioned or subdivided in any manner for the purpose of creating an additional principal use, or additional accessory use, except as may be provided for in this Ordinance.

§295-403. PERMITTED USES

A. **Use by Right.** In any given district, a use is permitted by right when it is listed as such in the district regulations, provided it can comply with the applicable Use Regulations stated

DRAFT

herein, and provided a use and occupancy permit has been duly issued by Cheltenham Township, as specified in this Ordinance.

B. **Use by Conditional Use Approval.** In any district, a use is permitted by Conditional Use Approval, provided it is listed as such, and provided it can comply with the applicable conditions and regulations stated herein. In addition, the use is subject to approval or denial by the Board of Commissioners. If approved, the Board of Commissioners may impose further conditions to ensure the protection of adjacent uses and the health, safety and general welfare of the residents. Following approval and conditions of the Board of Commissioners, the use is subject to all other applicable codes, permits, regulations, and standards expressed in this Ordinance.

C. **Use by Special Exception.** In any district, a use is permitted by Special Exception, provided it is listed as such in the district regulations, and provided it can comply with the applicable regulations stated herein. In addition, the use is subject to approval or denial by the Township Zoning Hearing Board. If approved, the Township Zoning Hearing Board may impose further conditions to ensure the protection of adjacent uses and the health, safety and general welfare of the residents. Following approval and conditions of the Township Zoning Hearing Board, the use is subject to all other applicable codes, permits, regulations, and standards expressed in this Ordinance. For additional standards regulating special exception approvals, see the Section of this Chapter regulating the Township Zoning Hearing Board.

D. **Accessory Uses Permitted.**

1. An accessory use is permitted if it is listed as a permitted accessory use in the district's use provisions. Accessory uses not listed as such are not permitted, except when the Zoning Officer determines a use qualifies as a "usual and customary" accessory to the principal use of the subject tract.

2. Accessory uses, when permitted, are subject to the district regulations, the provisions of the Use Regulations established herein, and all other applicable sections of this Ordinance.

E. **Uses Not Permitted:** Any use not listed as explained above is not permitted in the district in question.

F. **Use by Variance:** Any use not permitted in the district regulations or conforming to the use regulations or applicable provisions of this Ordinance, may be permitted if a variance for relief of those requirements is granted by the Township Zoning Hearing Board. If approved, the Board may impose further conditions to ensure the protection of adjacent uses, and the health, safety and general welfare of the residents. Following approval and conditions of the Board, the use is subject to all other applicable codes, permits, regulations, and standards expressed in this Ordinance.

§295-404. LEGAL STATUS OF USES

A. The following terminology is assigned to uses, based upon their method of institution. Refer to the Administration and the Township Zoning Hearing Board sections of this Chapter for treatment of these various circumstances.

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1. Conforming Use: The use meets all applicable standards and regulations as established in this Zoning Ordinance.

2. Nonconforming Use: The use does not meet all applicable standards and regulations as established in this Zoning Ordinance.

3. Legally Nonconforming Use: The use does not meet all applicable standards and regulations as established in the Zoning Ordinance, but the use or property received the required Township approval through the variance process; or was legally instituted prior to the adoption of this Ordinance; or predated Zoning Ordinance standards; or was illegally created but legally grandfathered over statutory time periods.

4. Illegal Use: A use which may or may not conform to zoning, but never received the appropriate Township approval.

5. Federal and State property is subject to the provisions of this Ordinance only insofar as permitted by the Constitution and laws of the United States and the Commonwealth of Pennsylvania.

B. A use created by conditional use approval, special exception approval, or variance approval, may only undergo alteration, addition, expansion, or intensification of the use by reapplication and re-approval of the Body granting original approval.

§295-405. CATEGORIES OF PERMITTED USES

A. **Accessory Uses**

1. **Use A-1: Residential Accessory Structure:** A building or structure erected for the private use of the owner or occupant of a single-family dwelling unit, which is situated on the same lot as the residence, and used for common household purposes, storage or vehicular parking, including but not limited to a detached garage, storage shed, or gazebo. Residential swing sets shall not be considered structures. The following requirements shall apply:

   a. All residential accessory structures shall require a zoning permit. Construction or alteration of residential accessory structures greater than 250 square feet or greater than 16 feet in height shall require a building permit and use and occupancy permit with inspections.

   b. The building or structure shall not exceed the height of the principal building on the lot or 25 feet, whichever is less.

   c. A residential accessory structure with a footprint smaller than 250 square feet and measuring less than 16 feet in height shall not be constructed closer than four (4) feet from any side or rear property line. The structure shall not be constructed closer than ten (10) feet from any other structures, whether on the same lot or on an adjacent lot.

DRAFT

d. A residential accessory structure with a footprint larger than 250 square feet and/or greater than 16 feet in height shall be required to meet the principal yard setbacks for the district in which it is located. The structure shall not be constructed closer than ten (10) feet from any other structures, whether on the same lot or on an adjacent lot.

e. A residential accessory structure is limited in size only by the zoning district requirements.

f. A detached accessory building or structure shall not be erected within the front yard restricted area, public right-of-ways, easements, or storm water swales.

g. Structures for domesticated animals and household pets shall not be located closer than ten (10) feet from any property line, and are not permitted in front yard restricted areas.

h. A horse stable shall not be erected on any property less than three (3) acres in size, and shall not be located closer than twenty-five feet to any property line.

2. **Use A-2: Non-Residential Accessory Structure:** Such use shall include a detached accessory building or structure for uses customarily incidental to those permitted in non-residential zoning districts and legally established as a principal use of the premises:

a. For other than storage, a use accessory to a use permitted by special exception or variance shall only be established by special exception or variance hearing.

b. The location of the accessory building shall not violate any district zoning provision or use in which it is located, or any aspect of an approved land development plan. An area already impervious, but not required for parking or other zoning use purposes will not be considered in conflict with an approved development plan.

c. A trailer, freezer, or shipping container, whether or not removed from its wheels, shall not be used as an accessory building.

d. Accessory buildings and structures are limited in size to twenty-five (25) percent of the ground floor area of the principal building which it serves.

e. An accessory building or structure shall not be located closer than fifteen (15) feet from any other building or property line and shall not be located within the front yard area.

f. An accessory building shall not be used to establish a new or unrelated use on the premises.

g. Trash enclosures in non-residential districts must be screened according to the landscape provisions of this Ordinance. New trash enclosures in non-residential districts are not permitted in the front yard restricted area. When visible from the public street, the structure must be constructed of brick or stone exterior, with wooden or decorative access gates.

DRAFT

h. Vending machines are not permitted on public property or in rights-of-way, and are only permitted within enclosed buildings or under arcades which are set back greater than one hundred (100) feet from any property line facing a public street or right-of way.

i. Public phones shall not be located in the front yard restricted area.

j. Except for banks and financial institutions, money access machines are permitted only within enclosed buildings or under arcades which are set back greater than one hundred (100) feet from any property line facing a public street or right-of way.

3. **Use A-3: Recreational Vehicles:** The temporary or seasonal outdoor storage of boats, campers, motor bikes, and other recreation vehicle in residential zoning districts.

a. The RV's shall be stored only on the premises of the owner of the RV.

b. Storage of the RV shall not diminish the required on-lot parking spaces.

c. Such vehicles shall not be longer than twenty-five (25) feet.

4. **Use A-4: Commercial Vehicle:** The parking of tractor trailers, panel vans and similar vehicles on lots or parcels, whether containing advertising or not.

a. The vehicles must be used by the establishment on whose premises they are parked in the normal conduct of its business, or parked under lease to another commercial business.

b. Commercial vehicles cannot be parked in required buffer yards or right-of-ways.

c. The area on which they are parked cannot be parking spaces required for uses already on the lot.

d. Commercial vehicles greater than twenty-five (25) feet in length, and shall not be parked in Residential zoning districts.

e. There is no limitation on the number of Class 1 C/C vehicles that may be parked and/or stored on residentially zoned properties.

f. Only one Class 2 C/C vehicle may be parked and/or stored on a residentially zoned property.

g. No Class 3 C/C vehicles shall be parked and/or stored on residentially zoned properties.

h. The aggregate area of logos and/or advertising on a vehicle shall not exceed six square feet per side, with a maximum total area per vehicle of 12 square feet.

DRAFT

i. Class 2 and Class 3 C/C vehicles that are servicing a residentially zoned property may be parked thereon during the period of servicing.

5. **Use A-5: Antenna Systems:**

a. Vertical Antenna: A system of wires, poles, rods, towers, or similar devices used for the reception or transmission of electromagnetic waves external to or attached to the exterior of a building, including the supporting structures for such devices:

I. Standard, non-satellite, home reception antennas are exempt from the provisions of this section. Transmitting antennas requiring FCC approval are included in this section.

II. Such antennas shall not be located within the front yard area, and are required to meet regulations of the Township building code.

III. In residential zoning districts, such antennas are required to meet the height restrictions of the district in which they are located, whether roof or ground mounted.

IV. In non-residential zoning districts, ground-mounted, commercially utilized antennas, and antennas (to include, but are not limited to, two-way radio from a base to land-mobile antenna, such as radio-dispatched taxis, and antennas and used for restaurants, offices, industries or other businesses) exceeding thirty-five (35) feet in height must be erected at a distance from the property line equal to its height. If such a structure is located on a lot abutting a residential district, it must be located at least two hundred (200) feet from the residential zone. This shall not restrict the use of antennas for emergency, military, or public safety dispatch communication.

V. Not included under this regulation are wireless telecommunications facilities, which are regulated under Section 295-2808.

b. Satellite Dish Antenna: A device incorporating a reflective surface that is solid, open mesh, or bar configured, and is in the shape of shallow dish, cone, or parabolic figure which is larger than twenty-four (24) inches in diameter. Such device is used to receive radio, television or electromagnetic radiation between terrestrially and/or orbital bases:

I. A satellite antenna shall not be located within a front yard, unless a certification from the installer is submitted to the Zoning Officer, certifying that the antenna cannot be feasibly located in any other area on the premises in question.

II. Roof mounting is not recommended. If roof mounted, the antenna shall be located on a portion of the roof sloping away from the front yard of the lot, and no portion shall project above the ridge line.

DRAFT

III. Satellite antennas mounted on non-residential buildings must be architecturally screened if visible from the public street. Ground-mounted antennas installed on non-residential properties must be visually screened from the public street and adjoining residential properties.

IV. An edge of any satellite antenna shall not be erected within four (4) feet of any property line.

6. **Use A-6: Fences and Walls:** Any artificially constructed barrier or structure of any material or combination of materials, erected to enclose or screen areas of land located within the yard requirement of the zoning district:

   a. The maximum permitted height shall be four (4) feet in the front yard restricted area and six (6) feet in the side or rear yard, with the exception of retaining walls or walls of a building permitted under the terms of this Chapter.

   b. Corner properties have two front yards; one facing each street. The four (4) foot height limitation applies to both front yards.

   c. A fence shall be erected on the property line provided the line is clearly established. An inspector may require a field survey in the event of a location dispute.

   d. A fence may be offset from the property line up to five (5) feet. If an offset is used, the area between the fence and the property lines must be accessible and regularly maintained by the landowner.

   e. A fence shall not be erected in, or interfere with the sight triangle for vehicular traffic.

   f. A fence shall not be erected within a floodplain area, a swale, or other watercourse system, or impede the flow of storm water from the site or that of an adjoining property.

   g. In the C2 District, a fence or wall surrounding an outdoor commercial use shall be permitted when said wall or fence does not exceed the maximum height limitation for buildings and does not encroach on any required yard setback. No solid fence shall be permitted and no open fence in excess of four feet in height shall be permitted in the required front yard.

7. **Use A-7: Home Occupation:** An activity, occupation, or use that is professional and office-oriented in nature; and clearly customary, incidental, and accessory to the use of the premises as a single-family detached, twin, duplex, or single-family attached (townhouse) residential dwelling unit and which does not affect the residential character of the neighborhood.

   a. No more than one home occupation shall be permitted per residence.

DRAFT

b. The home occupation shall be conducted wholly indoors within a dwelling unit or structure accessory thereto.

c. There shall be no use of show windows, signs, displays, or advertising visible on the premises, including marking on vehicles parked by occupants of the premises, except as may be provided for in the sign regulations.

d. There shall be no exterior storage of materials or parking of commercial vehicles associated with the home occupation.

e. No external alterations or additions to the structure shall be permitted in order to accommodate the home occupation, unless they are done to a single-family detached dwelling, and are done consistent with **Use G-6: Single-Family Detached Dwelling Unit**. To ensure compliance with the intent of this section, no building permit for an addition to the structure shall be issued within two (2) years after the use commences. The date of the use permit shall govern in this matter.

f. Home occupations shall not include any retail or wholesale activity, instructional classes, day care, trade business, boarding and other similar activities. The practice of babysitting on an occasional basis shall not be restricted under this use.

g. Servicing by commercial vehicles for supplies and materials, other than parcel drop-off, shall not be permitted.

h. The business must be conducted solely by the occupants. No more than one employee from off-site is permitted to work on the premises

i. The floor area devoted to such use shall not exceed 25% of the ground floor area of the principal building, or a maximum of four hundred (400) square feet, whichever is less.

j. Visitation by clients shall be by appointment only, and regulated in such a fashion so that parking on-lot is available for their use. Where a home occupation necessitates creation of expanded parking area, the parking area shall be screened consistent with the requirements for parking screens in **Article XXV: Parking and Loading** and to all applicable Subdivision and Land Development Regulations, and shall be located to the side or rear of the home.

k. Home occupations shall not be used for the purpose of conducting religious services or other assemblies.

l. The home occupation shall operate no earlier than 8:00 AM and no later than 7:00 PM

m. The existence of a Home Occupation on a property does not preclude the establishment of a No-Impact Home-Based Business on the same.

n. Permits (monitoring)

DRAFT

I. Permits for Home Occupations shall be issued for a period not longer than one year and must be renewed at the end of the first term of issuance and every such period thereafter.

II. Renewal of permits requires inspection of the Home Occupation by the Zoning Officer.

III. If a permit for a Home Occupation is not renewed, all rights granted to the Landowner under such permit expire, and the Landowner must re-apply for the issuance of a new permit under the then current standards for the issuance of such permit.

IV. Permits for Home Occupations expire when a change of occupancy occurs.

V. To ensure compliance with these provisions, a Home Occupation may be inspected at any time, provided that 24 hour notice is given.

8. **Use A-8: Storage (Outdoor):** The outdoor keeping of junk, material, merchandise, vehicles, or any goods in an unroofed or open area for more than twenty-four (24) hours.

   a. No part of a public right-of-way, buffer area, required front yards, storm water management systems, or required parking spaces shall be used for outdoor storage.

   b. Where permitted, outside accessory storage areas shall occupy an area less than twenty-five percent (25) of the ground floor area of the principal building or structure.

   c. Outside storage area shall be shielded from public view and adjoining properties on ground level by fencing, walls, or high intensity landscaping sufficient to screen the storage area.

   d. The parking of tractor trailers, vans, and company vehicles which supply or service establishments in commercial and industrial districts located in the Township shall be permitted.

   e. Outside storage area shall not be located closer than fifteen (15) feet to any side or rear property line, nor fifteen (15) feet from any structure or lot.

9. **Use A-9: Swimming Pool:** An artificial or man-made container of water capable of being filled to depth exceeding twelve (12) inches at the lowest point. Wading pools are exempt from the provisions of this Ordinance and are considered temporary pools if made of plastic, light metal, or other light duty materials which do not exceed a full volume depth of twelve (12) inches at the lowest point, and which are completely emptied of water when not in use:

   a. Permanent swimming pools, whether above or below ground, are required to meet the zoning district requirements with respect to lot coverage, and are considered impervious structures.

   b. As accessory structures, they are permitted to be located no closer than ten (10) feet to a side or rear property line, and must be located no closer than ten (10) feet from

DRAFT

any additional structures, either primary or accessory, located on the lot or premises.

c. Swimming pools are not permitted in the front yard restricted area or within approved swale or storm water management systems.

d. Building, electrical, and plumbing permits are required for the installation, alteration, repair or remodeling of all pools not exempt from this Ordinance, and must meet the code requirements of all applicable Township ordinances.

e. Swimming pools must be discharged according to guidelines established by the Department of Environmental Resources. In no event shall water from them be discharged into a public street or storm water management system, nor shall any discharge be directed onto any adjoining property.

f. Approved circulators and filtration systems must be provided for all pools except wading pools.

g. Elevated outdoor lighting, if used, shall be installed with glare shields and not be directed toward adjacent property owners.

h. Water contained in swimming pools must be kept healthy and sanitary at all times, and shall not emit offensive odor that creates a nuisance or unhealthy condition.

i. No pool shall be located under or within ten (10) horizontal feet of a power or service entry line.

j. Abandoned pools must be removed or appropriately filled in and covered under ground.

k. Above-ground pools may be installed without a survey and engineering grading plan if permitted by the Zoning Officer, and where steep slope area are not present. In-ground pools require an engineering plot plan with grading approved by the Township Engineer.

l. Spas or health pools shall meet the same requirements as swimming pools, except that when less than ten (10) feet in width and located on an existing deck or elevated patio adjoining the principal structure, the ten (10) foot separation from structures shall not apply.

m. Cabana or pool houses shall be permitted provided they are separated from the pool water edge and adjoining property lines and other accessory structures by a minimum of ten (10) feet. They must be single-story structures, not exceeding fourteen (14) feet in height, and shall not contain permanent cooking equipment.

n. Fencing: Swimming pools at, below or above grade must be completely enclosed with a minimum, four-foot (4) high fence, with locking gate access. Such fence must be constructed of a material that meets the approval of the Building Inspector. Swimming pools equipped with elevated platforms or walkways that are at least four (4) feet above the ground need not be fenced if the design prevents access by

DRAFT

ladders or steps which can be made inaccessible and locked when not attended or in use.

10. **Use A-10: Tennis/Sport Courts:** A recreational playing court accessory to residential properties for the sport or game intended. The court consists of the playing surfaces and any structures designed to contain the playing area surrounding the court:

    a. The outer edge of the playing area, including any fence designed to contain the playing area, shall not be located closer than ten (10) feet from any property line, and shall not be located in the front yard restricted area.

    b. A fence containing the playing areas may be as high as twelve (12) feet provided the setback of ten feet is maintained.

    c. Courts may be lighted provided the light source is shielded from glare effects to the adjoining properties.

    d. Unless made of clay or other pervious materials, courts will be calculated into the impervious restriction on the property.

11. **Use A-11: Commercial Accessory Apartment:** Such use shall include a commercial operation consisting of retail or office uses only, less than five thousand (5000) square feet in gross floor area, and which contain one or more dwelling units for temporary residential purposes which may or may not be owner occupied.

    a. The dwelling unit must be completely separated from the commercial operation by separate access, but located in the same principle structure.

    b. The apartment or dwelling use is limited to fifty (50) percent of the gross floor area of the commercial operation.

    c. The commercial use must meet the required minimum lot area.

    d. For each apartment or dwelling unit established in excess of one (1) unit, an additional lot area of two-thousand five-hundred (2,500) square feet per unit shall be provided, and parking requirements shall meet the standards of **Use G-1**: **Apartment Building/Multiplex**.

12. **Use A-12: Drive-through Facility:** Any building, design, facility, or structure, or portion thereof, from which a business, product or service is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during the transaction:

    a. There must be sufficient stacking space for eight (8) vehicles, per drive-through facility.

    b. The stacking area shall not interfere with required parking spaces or vehicular aisles.

DRAFT

c. Ingress to the drive-in-facility must occur from an aisleway within the interior circulation of the lot, and not directly from an arterial highway.

d. Egress from the drive-in-facility shall not occur within fifteen (15) feet from a pedestrian entrance or exitway to the building.

e. A clearly marked crosswalk located from the entryway(s) to the parking lot situated perpendicular to the drive-through stacking lane that, in addition to paint, is in a physical form sufficient to alert drivers of potential pedestrian/vehicle conflicts.

f. A drive-in facility shall not be located within the front yard area.

13. **Use A-13: No-Impact Home-Based Business:** A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client, or patient traffic, whether vehicular or pedestrian, pickup, delivery, or removal functions to and from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

a. The business activity shall be compatible with the residential use of the property and the surrounding residential uses.

b. The business shall employ no employees other than family members residing in the dwelling.

c. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

d. There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.

e. The business activity shall not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

f. The business activity shall not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

g. The business activity shall be conducted only within the dwelling and shall not occupy more than 25% of the habitable floor area.

h. The business shall not involve any illegal activity.

i. The business shall be registered with Cheltenham Township.

DRAFT

14. **Use A-14: Agriculture:** A use and related structures on a parcel or lot that is primarily used for soil-dependent cultivation of agricultural crop production for sale to the public:

    a. A minimum lot size of five (5) acres which must be held in single ownership by any legal entity.

    b. Any farm structures must be located a minimum of fifty (50) feet from all property lines.

    c. Shall be permitted in R-1, R-2, R-3, and R4 Districts as an accessory use.

    d. Home gardening use shall be permitted in all districts.

15. **Use A-15: Livestock:** The keeping of animals other than domesticated pets and fowl/poultry , shall be limited to lots of at least one (1) acre in size, and shall be limited to two (2) heads of livestock or horses per acre. Riding academies, livery or boarding stables, and commercial kennels are not included in this provision.

    a. Shall be permitted in R1, R2, R3, and R4 Districts as an accessory use.

16. **Use A-16: Fowl/Poultry:** Keeping of fowl/poultry shall be permitted provided that:

    a. On properties less than 1 acre no more than three (3) birds shall be kept

    b. On properties greater than 1 acre, no more than ten (10) birds shall be kept.

    c. Birds shall be provided with a shelter having a roof and at least three enclosed sides and shall be contained within a fenced area. A building permit shall be required for the shelter.

    d. All shelters must provide at least three square feet per bird.

    e. Fenced areas surrounding shelters must contain at least five (5) square feet per bird.

    f. Shelters and fenced areas surrounding shelters shall only be located in the rear yard or side yard; all shelters and fenced areas must be located at least ten (10) feet from any residence and property line.

    g. In the case of keeping chickens, no male birds (roosters) shall be kept. All birds shall be females (hens).

    h. No birds shall be allowed to range or shelter, nor shall a shelter or fenced area used for the purpose of keeping birds be located, in whole or in part, within the boundaries

DRAFT

of Zone 1 or Zone 2 of the Riparian Corridor Conservation District, as per Article XXII of this Chapter.

17. **Use A-17: Accessory Service Station** A facility for the storage, dispensing and supply of gasoline, other petroleum fuels, and/or alternative fuels for vehicles. Such facilities shall not include any maintenance services or activities customarily associated with automobile repair or maintenance performed by any employee.

    a. Such use shall only be permitted as accessory to **B-27: Retail Shop, B-28: Retail Store,** and **B-29: Supermarkets**, and shall only be permitted in those districts so designated.

    b. No merchandise shall be displayed in front of the building line facing a public street, or under the canopy area.

    c. Canopies shall meet the following requirements:

        i. Canopies shall be set back at least 15 feet from property and ultimate rights-of-way lines or shall meet the setback requirements for principal structures, whichever is greater. Canopies shall also be set back at least 50 feet from abutting residentially-zoned properties.

        ii. Canopies shall have a maximum height 16 feet measured to the underside of the canopy.

        iii. Individual canopies shall have a maximum areas of 3,600 square feet; multiple canopies shall be separated by a minimum distance of 15 feet.

        iv. Lighting for canopies shall use full cutoff flat lens luminaires.

        v. Canopies shall use pitched roofs (4:1).

        vi. Canopies shall be designed to be architecturally compatible with structures in the surrounding area with regard to color and building materials.

B. **Commercial Uses**

1. **Use B-1: Automotive Sales:** Automotive sales use includes facilities for the sale or lease of new or used automobiles, jeeps, motorcycles, trailers, trucks, and the like. Facilities may include showroom, office, display parking, service/repair, and delivery canopies, provided:

    a. Primary access to the sales facility shall be from an arterial or collector highway.

    b. Customer and employee parking areas are each clearly identified and not used for vehicle display purposes.

    c. Except for incidental emergency repair work, vehicle repairs and service are to be conducted indoors.

DRAFT

d. Vehicle delivery shall be conducted on-site, or through off-site contract arrangements, but not from public streets or right-of-ways.

e. Display vehicles shall not be placed on elevated stands or located within five (5) feet of any property line.

f. Test drives shall not be conducted through residential districts, and specific routes shall be approved by the Township.

g. Collective accessory uses to the principal use of selling or leasing shall not occupy more than fifty (50) percent of the premises and must be conducted in direct relationship to the principal use.

h. Vehicle display spaces may be reduced to 8' X 16' and may be stacked up to three cars deep without aisle ways, provided no parking variances have been granted. The first row of front yard display vehicles adjacent to the public right-of-way, may not be parked or displayed any tighter than achieved with ten (10) foot wide parking spaces.

i. Front yard display vehicles shall not protrude into the public right-of-way or over buffer areas.

j. Sound systems shall not be audible off-site.

k. Delivery canopies shall not be located in restricted yard areas.

2. **Use B-2: Automotive Service:** Such use shall include the general repair of automobiles, trucks, and the like; specialty repair of vehicles, body, and fender work; and spray painting in conjunction with repair:

a. Tractor trailers and abandoned vehicles shall not be stored on the premises.

b. All repair work must be performed within a building.

c. All storage, including parts; tires; refuse; and similar articles must be stored within a building or fully enclosed area.

d. The sale of vehicles shall be prohibited.

e. Retail sales of parts and supplies must be accessory to the principal use.

f. Parking spaces for repair vehicles may be reduced to 8' X 16' and may be stacked up to three (3) cars deep, without aisle ways, provided no variances for parking have been granted for the use.

3. **Use B-3: Bank:** A financial establishment where the primary use is the processing of credit or monetary transactions, including a savings and loan association, credit union, and other financial establishment

DRAFT

4. **Use B-4: Bed and Breakfast:** All of the following conditions shall be met.

   a. A Bed and Breakfast establishment shall be permitted by right in the following commercial and business district C1, C2, MU1, MU2, and MU3) and is permitted through Special Exception in all residential districts (R1, R2, R3 and R4).

   b. A Bed and Breakfast establishment shall be permitted only in a single-family detached dwelling of three thousand (3,000) square feet or more, which was built prior to 1930.

   c. The principle use of a Bed and Breakfast establishment shall take place in an owner-occupied, single-family, residential dwelling.

   d. The Bed and Breakfast shall be operated within the principle structure and not in any accessory structures.

   e. Conversion of a dwelling into a Bed and Breakfast establishment shall be considered a land development. It shall be accompanied by a site plan and land development application filed with the Township's Building and Zoning Department for review and in accordance with the Cheltenham Township Subdivision and Land Development Ordinance.

   f. The following architectural standards shall be considered during this process:

      I. The suitability of the site for the type and intensity of the proposed use, and

      II. Additions and renovations to the dwelling which affect visual compatibility shall be compatible with the architectural style of the building, character of the area and surrounding neighborhood.

      III. That height, shape, scale, massing, detailing, configuration, and proportions are appropriate and relative to the original structure as well as adjacent buildings,

      IV. That architectural features are appropriate for the historic period of the building, and

DRAFT

V. That features not generally appropriate to a single-family detached dwelling are visually screened.

g. A Bed and Breakfast establishment shall be limited to four (4) guest rooms, plus one (1) additional guest bedroom for each increment of five hundred (500) square feet over three thousand (3,000) square feet, up to a maximum of seven (7) guest bedrooms.

h. At least one full bathroom (toilet, wash basin, bath and/or shower) shall be provided for each three guest bedrooms. The bathroom used by the owner-occupant may be shared with one guest bedroom, provided access is through a common area.

i. Meals served shall be for guests of the establishment only, in accordance with state law. The owner shall comply with all federal, state, and local requirements for the preparation, handling, and serving of food. No cooking facilities shall be provided in the guestrooms.

j. Any amenities (swimming pool, tennis courts, etc.) shall be solely for the use of the owner and the guests of the establishment. Any such amenity located within fifty (50') feet of a residential district or residential property line shall require a site element screen as defined in below.

k. The Bed and Breakfast establishment shall be equipped with smoke detectors, fire extinguishers, and any other fire safety measures in accordance with federal, state and local laws. Guests shall be provided with information regarding the floor plan of the building and the location of the emergency exits.

l. The length of stay within a bed and breakfast shall not exceed twenty one (21) consecutive days in any six-month period.

m. Parking.

I. One off-street parking space for the owner-occupant and one additional off-street parking space per guest room shall be required. Tandem parking may be used. Off-street parking areas not more than two hundred (200') feet from the building and secured by deed, lease, or other contract for guest use may be used to satisfy the parking requirement.

DRAFT

II. A site element screen, as defined below, shall be maintained around the perimeter of any parking lot such that headlight glare shall not shine on any adjacent properties.

III. Parking shall not be located in the front yard. In the case of a corner lot, the side yard facing the street shall be considered a front yard.

n. Site Element Screens.

I. The screens shall be one of the following types:

1) Evergreen or Deciduous shrubs. Shrubs shall be placed three (3') feet on center in a minimum five (5') foot wide bed surrounding the site element and arranged to provide a continuous hedge-like screen at a minimum height of three and a half (3.5') feet at maturity.

2) Berm. A two (2') to three (3') foot high continuous curvilinear berm with grass alone shall contain a maximum slope of 3:1 and shall not be considered a steep slope area.

3) Low Wall. A wall of brick or stone (not concrete block), which is consistent with the character of the principal building, at least fifty (50%) percent opaque, no less than three (3') and no more than four (4') feet in height.

II. Existing healthy trees, shrubs, or woodlands may be substituted for part or all of the required plant material at the discretion of the Township. The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the required buffer.

III. The applicant may propose the use of alternative screen types or changes in plant materials or designs that fulfill the intent of the Ordinance, with the approval of the Township.

IV. All plants shall meet the minimum for health, form and root condition as outlined in the American Association of Nurserymen (AAN) Standards.

V. All plant materials shall be hardy and within the USDA Hardiness Zone 7 applicable to Montgomery County, Pennsylvania.

DRAFT

VI. Maintenance. Required plant material shall be maintained for the life of the project to achieve the required visual effect of the screen. It shall be the ultimate responsibility of the successive property owners to insure that the required plantings are properly maintained. Dead or diseased plant material shall be removed or treated promptly by the property owner and replaced at the next growing season.

VII. Safety. All sight triangles shall remain clear and any plant material that could endanger safety shall be removed, and the plant material replaced if necessary with low-growing plant material.

o. Signage.

I. Only one of the following types of externally illuminated signs per street frontage shall be permitted:

1) Free-Standing Sign. The area of the sign shall not exceed six (6) square feet. The height of the sign from the ground to the top of the sign or decorative element shall not exceed four and a half (4.5') feet.

2) Projecting Sign. The area of the sign shall not exceed five (5) square feet in area. Projecting signs shall project no more than three (3') feet from the building wall and shall require a clearance of no less than seven (7') feet between the bottom of the sign and at grade.

3) Parallel Wall Sign. The area of the sign shall not exceed five (5) square feet in area.

II. Signs shall be designed and constructed to give the appearance of natural materials, shall be of muted earthtone colors and shall be compatible with the principal building and the surrounding environment. A colored rendering shall be submitted at the time a land development application is made.

p. Site Lighting.

I. Lighting fixtures shall be directed away from residential properties and arranged in a manner that will protect motorists, pedestrians, and neighboring properties from direct glare or hazardous interference of any kind. Lighting by shielded luminaries shall be permitted, provided the lighting is directed on the sign face only.

DRAFT

II. Lighting fixtures shall be of a character consistent with the architecture of the structure and surrounding properties.

III. Light fixtures shall not be located higher than eight (8') feet above grade.

5. **Use B-5: Building Materials:** The retail sale or wholesale of building supplies such as bricks, concrete, lumber, plumbing, roofing materials, doors, windows, and similar products typically purchased for construction and repair of buildings, whether as a primary or accessory use:

   a. All products shall be either stored or displayed behind areas which are clearly defined for such purpose, such as completely enclosed fences, walls or other structures.

   b. The display of goods and merchandise shall not be located within the front yard restricted area, nor shall they be visible from the public street.

   c. All goods and related structures shall meet the minimum required setbacks for accessory structures in the district.

   d. When goods or materials are located in any yard facing a residential district, a positive barrier, such as a fence, wall, or high-intensity screening shall be located between that property and the display or storage of such goods.

   e. If customers are permitted to enter outside storage areas, then such area shall be counted as retail floor area.

   f. Such uses shall have a defined pick-up area which does not interfere with the flow of internal traffic or required parking areas.

   g. Sound systems shall not be audible off site.

   h. The storage of all products must conform to the requirements of the Township Fire Marshal.

6. **Use B-6: Car Wash:** A building, structure or area of land with machine or hand-operated facilities used principally for the cleaning, detailing, polishing, washing or waxing of motor vehicles:

   a. All washing and drying facilities must be located entirely within an enclosed building or roofed structure.

   b. Automatic car washes shall provide sufficient stacking lanes to accommodate a minimum of eighteen (18) off-street vehicles. Self-service car washes shall provide sufficient stacking lanes to accommodate four (4) vehicles per washing bay.

DRAFT

c. No less than one trash receptacle per washing lane, in addition to required dumpster, shall be located near the washing or vacuuming area.

d. On-site drainage systems must be provided to prevent water run-off and freezing on streets and adjoining properties.

e. All water used for cleaning of vehicles shall be collected and recycled and/or treated according to industry standards of the International Car Wash Association.

7. **Use B-7: Club:** A group of individuals, together with buildings and facilities owned or operated by an association, corporation, or other legal entity, convening for educational, social or recreational purposes, not incidental to other business, and not operated primarily for profit, or to render a service that is customarily carried on as a business enterprise:

   a. The use shall be for dues-paying members and their authorized guests only, and such use shall not be open to the general public.

   b. A club shall not include uses specifically defined elsewhere within this section of the Ordinance.

   c. The rules and by-laws shall be provided to the Township at the time of occupancy certification.

8. **Use B-8: Commercial School:** Such use shall include a commercial school, trade school, professional school, music school, dance school, and the like. Shall not include k-12, or elementary school education uses.

9. **Use B-9: Convenience Store:** A convenience store is an individual store or a group of stores on one lot, where retail trade intended for quick sale and carry-out is the principal use. Such use does not specialize in a particular product, but offers an array of different items including but not limited to takeout coffee, dairy products, delicatessen, dry goods, foodstuffs, grocery items, newspapers, tobacco, and similar product lines:

   a. The following accessory uses shall be permitted inside, provided two additional parking spaces per use can be provided:

      I. Automated teller machines and financial services.

      II. Legal lottery sales.

   b. Separate and distinct ingress and egress patterns must be provided on lot.

   c. A minimum of two separate and remote trash receptacles must be provided and maintained outdoors.

   d. No outside vending machines, outside sales, ATM's, or phones are permitted.

DRAFT

e. Facilities for dumpsters must be screened, according to the provisions of this Ordinance, or inside trash compactors and storage must be provided.

f. The gross retail floor area shall not exceed three thousand (3000) square feet.

10. **Use B-10: Dry Cleaners (Drop-Off):** A dry cleaning establishment which does not have any on-site cleaning equipment or processes other than clothes pressing and/or tailoring.

11. **Use B-11: Dry Cleaners (On-Site):** Facilities or shops specializing in or providing on-site processing for laundry, dry-cleaning, and or clothes-pressing. Automated coin operated facilities are included in this category if they contain cleaning machinery other than commercial washers utilizing common detergents. Dry cleaning shops which do not contain on-site processing equipment are treated as drop-off centers and are not required to meet the conditions below:

    a. This use shall only be permitted by special exception from the Township Zoning Hearing Board.

    b. Material safety data sheets for all chemical cleaning agents used on the premises, together with all equipment specification sheets, must be provided to and approved by the Fire Marshal prior to the zoning hearing.

    c. On-site processing shops less than five thousand (5000) square feet in gross floor area, shall not accept goods from drop-off establishments located elsewhere.

    d. A truck-parking zone must be designated near the most convenient access to the building, for purposes of servicing the on-site processing equipment. This zone must be large enough to accommodate the vehicle used for servicing, and cannot interfere with required parking spaces or vehicle aisleways.

12. **Use B-12: Event Facility:** A location, building, site or structure that is not a restaurant which is rented as a place for the purpose of accommodating a group of diners, patrons, guests, or other attendees for functions such as banquets, wedding receptions, parties, entertainment, meetings, conferences, performances, and/or similar gatherings.

    a. Parking Held in Reserve:

        I. If the number of spaces required by Section 2301.E of this Article is substantially larger than the number of spaces anticipated by the applicant, then the applicant may hold some of the parking in reserve in order to avoid unnecessary paving while ensuring adequate area for potential parking demands.

        II. Suitable area must be defined on the site for one hundred (100%) percent of the parking required by Section 2301.E of this Article

DRAFT

III. The number of spaces which must be paved initially may be reduced by up to fifty (50%) percent by the Zoning Hearing Board. All stormwater engineering shall be designed based on total parking requirements, including the reserve.

IV. Suitable area must be reserved for the balance of the total number of spaces required by Section 2301.E of this Article; these spaces shall be constructed by the applicant if and when determined necessary by the Zoning Hearing Board.

V. This area must be kept as landscaped lawn area but can be used as overflow parking without paving if it can be proven by the applicant that such overflow parking on landscaped areas is infrequent and maintenance of the lawn area will not be disrupted by the overflow parking.

VI. If the parking spaces held in reserve are to be paved, the Township strongly recommends the use of grass pavers to maintain the look of a green, landscaped yard and mitigate the increased stormwater runoff.

VII. The Zoning Hearing Board may require the installation of the parking spaces held in reserve when there is evidence of a continued overflow of parking that is resulting in damage to the landscaped lawn area.

VIII. The Applicant and the township shall enter into an escrow agreement which shall describe how and when the spaces held in reserve shall be constructed if the Zoning Hearing Board determine that they are necessary.

IX. To qualify for use of the reserve parking concept, the applicant shall provide evidence supporting reduced parking needs to the Zoning Hearing Board.

13. **Use B-13: Farmers' Market:** A market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as agricultural produce, seasonal fruits, fresh flowers, and items customarily sold or dispensed at farmers' markets from booths, tables, or vehicles located on site.

    a. All Farmers' Markets and their vendors comply with all federal, state and local laws relating to the operation, use and enjoyment of the market premises.

    b. Farmers' markets shall be held in the same fixed location and may be conducted year-round or may be operated on an occasional or periodic basis as a seasonal or temporary use.

14. **Use B-14: Funeral Home:** A building or portions thereof used for human funeral services. Such facilities may contain provisions for chapel, embalming, viewing, and other services used in preparation of the dead, including the storage of caskets, supplies, and funeral vehicles.

DRAFT

15. **Use B-15: Hotel /Inn:** A facility offering transient lodging accommodations on a daily or weekly basis to the general public, having access to the accommodations only through a central lobby, and providing additional services such as restaurants, meeting rooms and recreational facilities:

    a. Accessory uses other than a restaurant located on the ground floor, shall be limited in use to paying guests of the hotel. The use must have access to a collector or arterial highway.

    b. The maximum permitted density for each lodging type is the following:

        I. Hotel lodging: thirty-two (32) overnight guest rooms per acre

        II. Apartment hotel lodging: eighteen (18) overnight guest rooms per acre .

    c. The length in occupancy per transient guest shall be at least one (1) day and no more than thirty (30) days, unless the use meets the definition of an apartment hotel, where occupancies greater than thirty (30) days are permitted.

16. **Use B-16: Laundry (Self-Service):** A business or use that provides washing, cleaning, and drying machines, for hire or rent, to be used by customers on the premises. May also include drop-off and pick-up laundry service and on-site attendants.

    a. It shall be demonstrated to the Township Zoning Officer that adequate provisions will be made for wastewater disposal.

17. **Use B-17: Mixed-Use Building:** A building, use, or structure, other than a shopping center or mall, comprised of a mixture of uses, such that uses from at least two of the three following categories: (1) retail, (2) office, or (3) residential are provided.

    a. The mix of uses shall be separated by floors within the building, such that similar use classifications shall be located on the same floor.

    b. Residential uses shall not be located on the ground floor.

    c. Retail use(s) must occupy the majority of ground-floor square footage, and must have windows on the front façade.

    d. Uses within the **B-17: Mixed-Use Building** that are not permitted in the respective zoning district where the Mixed Use Building is located shall be prohibited.

    e. Uses in a **B-17: Mixed-Use Building** must comply with the use regulations for that particular use, and may include:

        I. Retail
            (1) **B-3: Bank**
            (2) **B-20: Personal Care Business**
            (3) **B-21: Professional Service Business**
            (4) **B-24: Repair Shop**

DRAFT

(5) **B-25: Restaurant, Sit-Down**
(6) **B-26: Retail Take-Out Foods**
(7) **B-27: Retail Shop**
(8) **B-28: Retail Store**
(9) **D-12: School – Public/Private**

II. Office
(1) **E-2: Medical Clinic**
(2) **E-3: Medical Office**
(3) **E-5: Professional Services**

III. Residential
(1) **B-15: Hotel**
(2) **G-1: Apartment Building/Multiplex Unit**

f. For new buildings, ground floor space must have a minimum floor-to-ceiling height of (11′). All retail or office floor space provided on the ground floor of a **B-17: Mixed-Use Building** must contain the following minimum floor area:

I. At least 800 square feet, or 25% of the lot area (whichever is greater) on lots with street frontage of less than 50′; or

II. At least 20% of the lot area on lots with 50′ of street frontage or more.

18. **Use B-18: Parking Garage:** As a principal use, a building designed and used for the parking of motor vehicles, operated as business enterprise with a service charge or fee being paid to the owner or operator. Parking decks shall be constructed to the following minimum standards indicated below:

a. Retail store fronts or other business uses on the street level shall be required on collector or arterial roads as defined by the Cheltenham Township Comprehensive Plan, to provide vitality.

For structures not on a collectors or arterials, parking garages shall have a minimum setback of thirty (30) feet from the public right-of-way and must meet any more restrictive setback or other yard requirements for the zoning district in which it is located. A minimum twenty (20) foot wide planting strip shall be provided between the face of the parking deck and the public right of way.

b. The wall of the parking deck facing a public street or right-of-way shall be treated in such a manner as to partially screen street-level parking. Undecorated appearances of parking structures are not permitted.

c. Underground Parking Structures: Underground parking structures are permitted within any required setback, side yard, and rear yard, on any lot in any non-residential zoning district, provided no portion of the underground structure extends above grade more than three (3) feet at any point. A parapet or railing may

DRAFT

extend above the permitted structure height, provided it is not greater than thirty-six (36) inches in height; is set back from the property line at least three (3) feet; and has openings equal to at least fifty (50) percent of its surface along each side. Along any lot line abutting a street, "grade" means the elevation at the center line of the street. Along any lot line not abutting a street, "grade" means ground elevation at the property line. Such structures must conform to any corner site distance requirement. An underground parking structure may encroach upon any area set aside for the buffer, screening, or other planting requirements, so long as there is at least four (4) feet of soil between the above ground surface and the top of the underground parking structure.

19. **Use B-19: Parking Lot:** As a primary use, an area comprising a collective number of individual parking spaces, designed according to the standards of this Ordinance, and not within a building where motor vehicles may be parked for the purpose of temporary, hourly, daily or overnight off-street parking, when such parking is operated as a business enterprise. Parking lots utilized by uses established on the premises where the parking occurs are permitted as accessory uses in all non-residential districts, provided:

    a. Parking lots must be designed, surfaced and striped according to the standards set forth in the parking and transportation section of this Ordinance.

    b. They are not located in required buffer areas.

    c. The re-striping of a parking lot shall require a use permit from the Township to assure inspection for spacing requirements and conformance to approved plans.

20. **Use B-20: Personal Care Business:** A personal care business requires direct, physical contact with the customer in the performance of a personal service, and shall include such uses as barber, beautician, nail manicure, and tattooing. Such uses generally require a license from the State Department of Professional Occupations.

21. **Use B-21: Professional Service Business:** Such use shall include businesses which typically offer service in conjunction with the sale of goods. Such uses differ from retail or office business in that the customer area is usually separated from the service area, and some form of laboratory, fabrication area or processing area is necessary. Such use includes but is not limited to shoe repair, tailor, photography studio, copying service, eyeglass labs, and other similar uses, unless otherwise provide for in this Ordinance.

22. **Use B-22: Radio/TV Station:** Such use shall include areas where electronic equipment and staging is utilized for the purpose of broadcasting radio or television programming, provided that:

    a. If studio seating or auditorium areas are provided, parking spaces shall be separately calculated based on the use classification.

    b. Antennas systems shall not be visible from the public street.

    c. Ground-mounted antenna systems exceeding thirty-five (35) feet in height must be erected at a distance from the property line equal to its height. If such a structure is

DRAFT

located on a lot abutting a residential district, it must be located at least two hundred (200) feet from the residential zone.

23. **Use B-23: Rental Agencies (Vehicles):** A business specializing in providing for the temporary use of vehicles for loan or short term lease. Such use shall include businesses providing short-term transit of customers or their vehicles to and from assigned locations by automobiles, limos, vans, or trucks; and businesses providing the loan or lease of campers, haulers, trailers and other transport devices:

    a. Fleet vehicles, or vehicles used in providing the loan or lease service, must be separated from required customer parking areas.

    b. Campers, haulers, trailers, trucks, and other transport devices shall not be parked within the restricted front yard area.

    c. Fleet automobiles parked in front yard areas must be stored neatly and parked in even rows in required display spaces.

    d. On-site washing is prohibited unless the premises contains a washing bay located within a building or in the rear of the premises.

    e. Display parking may be reduced to 8' X 16' and may be stacked, up to three cars deep without aisle ways, provided no variance for parking on the site is necessary, or was previously granted.

24. **Use B-24: Repair Shop:** A repair shop shall include any business where the primary function is the repair of items such as appliances, bicycles, computers, guns, lawn mowers, locks, stereos, televisions, VCR's, watches, small business or electronic machines, and similar products:

    a. This use does not include auto or vehicle repair.

    b. All items must be repaired on the premises.

    c. Retail sales must be accessory to the use and are limited to ten (10) percent of the gross floor area.

    d. No outside storage is permitted.

25. **Use B-25: Restaurant:** An establishment, or other retail use, or portion thereof, where food or beverages are sold for direct consumption on the premises to persons seated within the building. This shall include coffee shops, tea rooms, and other substantially similar dine-in establishments that meet this definition.

    a. Restaurants specializing in take-out service, or with less than twenty (20) percent of the gross leasable floor area devoted to seating shall be classified as **B-27: Retail Take-Out Foods.**

DRAFT

b. Brewpubs shall meet all the requirements of restaurants, and not taverns/bars, as defined herein, and shall be permitted to operate a **Use C-21: Microbrewery/Microdistillery/Microwinery** as an accessory use to a restaurant, only when the following conditions are met:

i. The area used for brewing, distilling, fermenting, bottling, and kegging shall not exceed 30 percent of the total gross leasable floor area.

ii. No brewed, fermented or distilled beverage shall be sold wholesale or distributed by the manufacturing entity beyond what is sold on-site for either on- or off-premises consumption.

c. The following conditions for outdoor restaurant areas, to be permitted only in the C1, C2, and MU1 districts, shall apply:

I. The outdoor restaurant area must be directly in front of or adjoining a street-level eating or drinking establishment.

II. The outdoor area must not infringe on any public sidewalk or right-of-way.

III. The outdoor area cannot infringe or encroach on the minimum number of required parking spaces or further reduce available parking, in the event of shared parking facilities.

IV. The outdoor area must be physically separated from the public or parking areas by a railing, fence, deck, planting boxes, or a combination thereof.

d. If located adjoining a residential zoning district, odor control devices shall be installed to minimize food odor impacts.

26. **Use B-26: Retail Take-Out Foods:** Such use shall include shops dedicated to the retail sale of foods which are assembled or dispensed on the premises, primarily for take-out; and which may customarily also provide sit-down service, provided the sit-down service is incidental to the take-out function and does not occupy more than twenty percent (20) of the gross leasable floor area of the use. Such requirement is necessary to distinguish this use from restaurant service.

a. Such facilities containing outdoor seating areas shall also meet the conditions for outdoor restaurants outlined for **B-25**.

27. **Use B-27: Retail Shop:** A small shop or store where the single principle use of the premises is the retail sale of goods and merchandise, and whose market place draw is considered as largely local in scope or services:

b. There shall be no outdoor display or storage unless permitted by district regulations.

c. The making or selling of cooked food shall not be permitted as an accessory use.

DRAFT

d. Only one business enterprise is permitted on the premises or lot.

e. The gross leasable floor area devoted to retail use and storage is less than ten thousand (10,000) square feet.

f. The retail use employs no more than two (2) employees per one thousand (1000) square feet of gross leasable floor area devoted to retail use.

28. **Use B-28: Retail Store:** A large retail facility where the single principle use of the premises is the retail sale of goods and merchandise, and whose market place draw is considered as local and regional in scope or services. Such use shall include but is not limited to department stores, discount stores, supermarkets, and stores exceeding ten thousand (10,000) square feet in gross floor area. In large retail stores, ninety (90) percent of the gross leasable floor area is devoted to a single tenant:

a. To qualify for this category, the store must be an individual use located in a free standing building.

b. The site shall have a minimum of two (2) ingress/egress locations.

c. In addition to required load/unload zones, the premises shall define a customer pickup area sufficient to maintain at least four (4) vehicles without interference to the normal flow of traffic.

d. Cart return areas shall be defined on the premises for each vehicle aisle, without reduction to required parking areas. If carts are not required by the proposed use, carts areas shall be maintained as green space in reserve.

e. Outdoor sales areas are permitted provided the area is enclosed by fencing or screening, directly adjoins the principal building, is not located in a front or buffer yard, and the outdoor area is factored into the total number of required parking spaces.

29. **Use B-29: Supermarket:** A large retail store devoted to the sale of food goods and associated household products customarily incidental to food shopping activity.

a. The minimum site area shall be one (1) acre for every ten thousand (10,000) square feet of gross floor area.

b. The conditions of use B-28 (Retail Store) shall be applicable.

30. **Use B-30: Service Station:** Any premises, lot or parcel where the primary use is the storage, dispensing and supply of gasoline, other petroleum fuels, and/or alternative fuels for vehicles are sold; and/or light maintenance activities such as engine tune-ups, lubrication, battery and tire replacement; and other minor repairs on vehicles is performed. Service stations shall not include premises or uses where heavy automotive

DRAFT

maintenance and repair activities such as engine overhaul, transmission, painting or body work is conducted.

a. Such use may include facilities for the limited sale of convenience items as an accessory use, provided parking requirements for the retail area are satisfied.

b. No merchandise shall be displayed in front of the building line facing a public street, or under canopy area.

c. Canopies shall meet the following requirements:

   i. They shall meet the setback requirements for principal structures.

   ii. Canopies shall be set back at least 15 feet from property and ultimate rights-of-way lines and 50 feet from abutting residentially zoned properties.

   iii. Canopies shall have a maximum height of 16 feet measured to the underside of the canopy.

   iv. Individual canopies shall have a maximum area of 3,600 square feet; multiple canopies shall be separated by a minimum distance of 15 feet.

   v. Lighting for canopies shall use full cutoff flat lens luminaires.

   vi. Canopies shall use pitched roofs (4:1).

   vii. Canopies shall be designed to be architecturally compatible with structures in the surrounding area with regard to color and building materials.

31. **Use B-31: Shopping Center:** A building or group of buildings and related uses, primarily designed to service a limited neighborhood or community area, where more than four (4) retail or service businesses share a single premises or lot with common parking facilities:

a. In order to qualify, such center shall have at least two (2) acres in site area.

b. In order to maintain the retail nature of the center, no more than twenty (20) percent of the gross floor area of the entire complex shall be devoted to office or professional service businesses.

c. Where an indoor mall is not provided, anchor stores greater than twenty-five thousand (25,000) square feet in floor area and movie theaters shall be located at the ends of the shopping center or in separate wings.

d. In order to provide architectural variety, no individual section or strip of stores shall exceed one hundred and fifty (150) feet in length without an offset greater than six (6) feet in depth.

e. Parking shall be designed to be as centrally located to each use as possible. No store shall be located in the rear of any center, unless sufficient parking spaces are available on the rear side.

DRAFT

f. Shopping centers with more than four (4) uses shall provide pedestrian and path systems to the collector or arterial highways on which they take ingress and egress, and to adjacent commercial or residential neighborhoods. Such paths shall be shall be separate and distinct from required parking and aisleways.

g. In addition to the standards expressed in this subsection, anchor or retail stores greater than twenty five thousand (25,000) square feet shall be required to meet the standards for retail stores with respect to customer pickup areas and shopping cart return areas, if applicable.

h. Anchor stores, large retail stores, banks, supermarkets, and other spaces which constitute a separate or detached building on the lot or premises of the shopping center, shall provide a ten (10) foot green buffer along all walls of the building not identified as the main entrance, or containing drive-in facilities.

i. Load/unload zones, dumpsters, and service structures shall not be located in front of the store building facade, and shall not face the public streets surrounding the shopping center.

32. **Use B-32: Shopping Mall:** A building or group of connected buildings and related uses where more than fifteen individual retail or service businesses, primarily designed to service a regional market, share a single premises or lot with interior access from a mall or common area, and share common parking facilities:

a. In order to qualify, malls shall have at least fifteen (15) acres in site area.

b. In order to maintain the retail nature of the mall, no more than twenty (20) percent of the gross floor area of the entire complex shall be devoted to office, professional service businesses, restaurants or food court areas.

c. Anchor stores greater than fifty thousand (50,000) square feet in floor area and movie theaters shall be located at the ends of the shopping center or in separate wings.

d. In order to provide architectural variety, no individual section or strip of stores, shall exceed three hundred (300) feet in length without an offset greater than twelve (12) feet in depth.

e. Parking shall be designed to be as centrally located to each use as possible, and shall be located on all sides of the mall.

f. Malls shall provide pedestrian and bicycle path systems to the collector or arterial highways on which they take ingress and egress, and to adjacent commercial or residential neighborhoods. Such paths shall be separate and distinct from required parking and aisleways.

g. In addition to the standards expressed in this subsection, anchor or retail stores greater than fifty thousand (50,000) square feet shall be required to meet the standards for retail stores with respect to customer pickup areas and shopping cart return areas, if applicable.

DRAFT

h. Anchor stores, large retail stores, banks, supermarkets, and other spaces which constitute a separate or detached building on the lot or premises of the shopping center, shall provide a ten (10) foot green buffer along three (3) walls of the building, not identified as the main entrance side; or containing drive-in facilities. Such detached buildings and uses shall not be located closer than fifty (50) feet to any street surrounding the center.

i. Load/unload zones, dumpsters, and service structures shall not be located in front of the store building facade, and shall not face the public streets surrounding the mall.

j. The use of indoor kiosks and carts shall be allowed provided the uses are permitted, and maintain the requirements of the adopted building and fire codes for occupancy standards and mall aisle width regulations.

k. Only anchor stores larger than fifty thousand (50,000) square feet, restaurants (exclusive of food court areas), and movie theaters are permitted public entrances directly to the outside. All other spaces must take access from common mall entrances.

l. There shall be no outside storage or outside sales. All areas for parking of tractor trailers must be shielded from public view.

33. **Use B-33: Storage Facility (Self-Service):** A building, structure or group of buildings and structures consisting of or containing varying sizes of individual, compartmentalized, and controlled access stalls or spaces, for the storage of business, private, or household goods.

    a. All storage must be contained within a permanent building. Temporary storage containers are not permitted.

34. **Use B-34: Studio for Dance, Art, Music, Photography, Yoga, Martial Arts, or Similar Arts:** A commercial or non-profit educational use for individual and group instruction and training in the arts, production rehearsal, photography, and the processing of photographs produced only by users of the studio facilities.

    a. Each individual studio establishment shall have no more than one student instruction area, with an open floor plan arrangement.

    b. This instruction area shall not exceed 1500 square feet.

    c. If more than one studio is located within the same building, then the establishments shall be operated by separate entities and shall not share ownership or facilities.

35. **Use B-35: Tavern/Bar:** Any premises wherein alcoholic beverages are served or sold at retail for consumption on the premises, of which the principal business is the sale of such beverages, and where the sale of such beverages comprises at least seventy-five (75) percent or more of gross receipts. It shall not include establishments where alcoholic beverages are sold in conjunction with the sale of food consumed on the premises, and

DRAFT

where the sale of the alcohol comprises less than twenty-five (25) percent of the gross receipts:

a. The facility must be licensed by the Pennsylvania Liquor Control Board.

b. No such use shall be located within two thousand (2000') feet of a similar use nor within one thousand (1,000) feet of a church or school.

36. **Use B-36: Veterinary Clinic:** Such use shall include the office of a veterinarian with accessory animal pens, which shall not be allowed as a primary use.

a. Kennels shall not be permitted.

b. No grooming of pets shall be permitted.

c. Overnight stays for animals are permitted only after surgery as medically necessary.

37. **Use B-37: Motel:** A series of attached, semidetached or detached fixed dwelling units containing bedroom, bathroom and closet space where each unit has convenient access to on-site parking space for the use of the unit's occupants.

a. The units, with the exception of the apartment of the manager or caretaker, are devoted to the use of automobile transients, and no cooking facilities shall be offered.

b. The permitted length in occupancy per transient guest shall be no less than one (1) day and no more than thirty (30) days.

38. **Use B-38: Pet Grooming:** A commercial use dedicated to the grooming of dogs and cats.

a. Such a use might include accessory animal pens for the incidental holding of animals, but no overnight boarding shall be permitted.

b. Any other activity normally associated with **Use C-19: Kennel**, such as the breeding, boarding, training or selling of animals, is not permitted.

C. **Industrial Uses**

1. **Use C-1: Assembly Plant:** A building, structure, or use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, and distribution of such products, but excluding fundamental industrial processing.

a. All assembly activities must be contained entirely within a building.

DRAFT

b. Any permitted use under this definition must comply with all Township Ordinances regarding noise and other nuisances, such as light, heat , smoke, and odor.

2. **Use C-2: Bus Terminal:** Buildings, lots, parcels, and/or structures in or on which buses are parked and/or stored. May include fueling and/or maintenance of vehicles.

3. **Use C-3: Contracting Shop:** Such use includes offices and supply/fabrication shops for services rendered in the building trades, including cabinet-making, carpentry, cement, electric, furniture-making, heating, painting, plumbing, roofing, and the like, provided that all tools and vehicles are located indoors wherever possible.

4. **Use C-4: Distribution Center:** A building, structure, or use designed or utilized for the purpose of handling goods or freight from one location to another, including short-term warehousing.

5. **Use C-5: Dry Cleaning/Laundry Plant:** A facility equipped for on-site cleaning or laundering of material goods delivered from off-site sources or drop-off cleaning uses.

6. **Use C-6: Fuel Storage Facility:** Such use shall include fuel storage, distribution tanks, and related structures, provided that all tanks are located below ground or are otherwise screened from public view. The minimum lot size shall be one (1) acre.

7. **Use C-7: Industrial Repair Shop:** A facility designed or intended for the repair of mechanical parts or equipment, engines, vending machines, and other heavy-duty commercial equipment.

8. **Use C-8: Lumber Yards:** Such use shall include the storage and sale of lumber, including millworking and related accessory use, provided such use conform to the standards of **Use B-5: Building Materials**.

9. **Use C-9: Manufacturing Plant:** A building, structure, or use, engaged in the basic processing and manufacturing of materials and products predominately from extracted raw materials; or a use engaged in manufacturing process using flammable materials; or a manufacturing process that involve potentially hazardous or offensive conditions to adjoining uses.

   a. All manufacturing activities must be contained entirely within a building.

   b. Any permitted use under this definition must comply with all Township Ordinances regarding noise and other nuisances, such as light, heat , smoke, and odor.

10. **Use C-10: Packaging Plant:** Such use shall include facilities where goods are packed or assembled for shipment to other locations.

11. **Use C-11: Printing/Publishing Shop:** Such use shall include large scale printing and publication services, not including smaller convenience copy centers.

12. **Use C-12: Radio or Television Transmission Tower:** A structure intended for transmitting and receiving commercial AM and FM radio signals and commercial UHF and VHF television signals, where the structure is the primary use of the parcel, lot, or

DRAFT

tract, excluding those used for emergency, military, and dispatch communication. Such uses are permitted by special exception as described in the height exception provisions of this Ordinance.

a. If such a structure is located on a lot in or abutting a residential district, it must be located at least two hundred (200) feet from all abutting property lines.

b. An annual permit must be filed with the Township which must comply with all applicable Township permit procedures and fees.

13. **Use C-13: Research Facility:** A use, building, structure, or group of buildings and structures, in which are located facilities for scientific research, investigation, experimentation or testing, but not facilities for the manufacture, production, or sale of products, except as incidental to the primary purpose or on limited pilot scale.

    a. Development standards for **Use E-4** (Office Campus) shall be applicable to multi-building development.

14. **Use C-14: Recycling Drop-Off Facility:** An incidental or accessory use that serves as a neighborhood or municipal drop-off point for the temporary storage of recoverable or recyclable resources. No processing of such item is permitted.

15. **Use C-15: Recycling Facility:** A facility, lot, parcel, building, or group of buildings, together with such necessary equipment, which is not a junkyard, and which recoverable resources such as newspaper, magazines, paper products; glass, metal, and other products are recycled, reprocessed, and treated for return or reuse in industry.

16. **Use C-16: Truck Terminal:** Buildings, lots, parcels, and structures, on or in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semitrailers, tractor trailers and/or trailer units are parked and/or stored.

17. **Use C-17: Wholesale Facility:** The sale of goods in large amounts to retailers or supply companies, rather than to consumers directly.

18. **Use C-18: Warehouse/Storage Facility:** A building, structure, lot, parcel, or use engaged in the storage, wholesale, and distribution of manufactured equipment, goods, materials, products or supplies, but excluding bulk storage of chemicals and materials that are explosive, inflammable or hazardous to adjoining properties.

19. **Use C-19: Kennel:** An establishment licensed by the state to operate and house cats, dogs, or other permitted household pets, and where grooming, breeding, boarding, training or selling of animals is conducted for profit:

    a. A minimum lot size of one half (.5) acre shall be required for interior pens.

    b. Interior pens shall be sound-proofed so that animal noises will not be heard off-premises.

DRAFT

c. If outdoor boarding of animals, outdoor pens, or animal runways are provided, the minimum lot size shall be one (1) acre.

d. Accessory pens and runways shall be kept a minimum of two hundred (200') feet from any property line, and are not to be used for the boarding of animals.

e. Length of stay for any animal shall not exceed two (2) weeks.

20. **Use C-20: Brewery/Distillery/Winery:** A facility for the production, packaging and sampling of alcoholic beverages—including beer, wine, cider and distilled liquors—for retail or wholesale distribution, for sale or consumption on- or off-premises, and which produces 100,000 gallons or more of such beverages per year.

21. **Use C-21: Microbrewery/Microdistillery/Microwinery:** A facility for the production, packaging and sampling of alcoholic beverages—including beer, wine, cider and distilled liquors—for retail or wholesale distribution, for sale or consumption on- or off-premises, and which produces less than 100,000 gallons of such beverages per year. This shall include "Nanobreweries."

D. **Community Service Uses**

1. **Use D-1: Cemetery:** Land used or intended to be used for the burial of the dead, dedicated for such purposes and licensed by the state authority having jurisdiction. It includes columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of the cemetery:

   a. The minimum lot size shall be twenty-five (25) acres for any newly proposed cemetery land use.

   b. No more than ten percent (10) of the entire area, to a maximum of five (5) acres, shall be devoted to above-ground buildings not serving as burial markers or memorials, such as business and administration offices, chapels, maintenance facilities, bath-houses, greenhouses, work houses, repair shops, and the like. This restriction includes parking facilities.

   c. A forty (40) foot buffer strip, unoccupied except for landscaping and walkways, shall be provided between any building or burial site and the cemetery property line.

   d. For all entrance features including gates, fountains, statuary, identification signs, and the like:

      I. There shall be not more than two (2) signs at such entrance, which shall comply with the sign regulations.

      II. The main portion of entrance features shall be located at least ten (10) feet from the nearest right-of-way line of any public street.

DRAFT

III. No such entrance features shall exceed twelve (12) feet in height.

e. Where interior roads are provided, they shall be paved according to municipal standards, and shall have a minimum width of twelve (12) feet for one-way and twenty (20) feet for two-way. There shall be no dead-end roads, unless provided with a turn-around having a centerline radius of at least forty (40) feet.

2. **Use D-2: College or University:** A facility, building, lot, parcel, use, or group of facilities, buildings and uses that provides a broad educational curriculum to individuals enrolled therein, and is licensed by the State Department of Education, including private and public colleges and universities:

   a. The minimum lot area shall be ten (10) acres.

   b. Access shall be from an arterial or collector road as identified in the Comprehensive Plan.

   c. Outdoor recreation areas and fields shall be shielded with a high density screen when any portion thereof is located within one hundred (100) feet of an off-site, residential land use.

3. **Use D-3: Community Center:** An area, building, structure, or other facility used and open to residents or friends of a neighborhood community, for educational, social or recreational programs and other community uses, and owned and operated by a civic, educational, municipal, philanthropic, religious, or tax exempt entity:

   a. The use shall not be conducted as a private, gainful business.

   b. No outside recreational area shall be located nearer to any residential lot line than one hundred (100) feet.

4. **Use D-4: Adult/Child Day Care:** Such use shall include a day nursery, nursery school, kindergarten, or other agency giving day care to children or senior citizens, subject to the following additional provisions:

   a. Where no more than ten (10) individuals are to be provided day care, the minimum lot size shall be one-half (.5) acre. One additional half (.5) acre shall be provided for each additional group of ten (10) individuals or fraction thereof of design capacity.

   b. In all residential districts the use shall be permitted only as an accessory use to a single-family detached residence, or place of worship.

   c. Outdoor play areas shall be screened according to the provisions of this Ordinance so as to protect the neighborhood from inappropriate noise and nuisance.

DRAFT

d. The practice of babysitting on an occasional basis shall not be restricted under this use.

5. **Use D-5: Dormitory:** A building that is owned or operated by a licensed institution, the primary purpose of which is to provide temporary living accommodations for individuals associated with or attending the institution. This use is only permitted as an accessory use by Special Exception.

6. **Use D-6. Educational Facilities:** The classrooms, lecture halls, libraries, or other similar locations where classes are taught or instruction is given as part of a school - public/private or college/university.

7. **Use D-7: Hospital:** An institution providing human health-care services primarily as an in-patient facility, and offering clinical, temporary, or emergency medical or surgical care procedures to the sick and injured, and licensed by the State to provide such facilities and services. A hospital includes not only the facilities where such service is rendered, but includes related facilities such as laboratories, out-patient departments, training facilities, central services, and staff offices that are essential to the service delivery:

   a. A lot area of not less than ten (10) acres shall be required.

   b. Where the use adjoins existing residential uses, a twenty-five (25) foot, medium-density screening buffer shall be provided. Care shall be taken to locate emergency and service entrances where they are not offensive to adjoining neighbors.

   c. Such use must have access from an arterial or collector road, as identified in the Cheltenham Comprehensive Plan.

8. **Use D-8: Library or Museum:** Such use shall include a library or museum open to the public or connected with a permitted educational use, conducted as a non-profit operation, and not conducted as a private, gainful business.

   a. Retail activity shall be permitted only as an accessory use incidental to the primary purpose of the library or museum.

9. **Use D-9: Municipal Building:** Such use shall include a municipal administration building, police barracks, library, or road maintenance facility.

10. **Use D-10: Nursing Home:** Such use shall include a licensed nursing or convalescent home, subject to the following additional provisions:

    a. The minimum lot area in all districts shall be five (5) acres.

    b. The maximum residential density permitted shall be thirty-six (36) beds per acre.

    c. Dwelling areas containing beds are not permitted to be self-contained dwelling units complete with kitchen facilities.

DRAFT

11. **Use D-11: Place of Worship:** A tax-exempt institution that people regularly attend to participate in or hold religious services, meetings, and other activities related to religious ceremonies. The term church shall include those buildings and structures in which the religious services are held:

    a. The minimum lot size for a newly proposed place of worship, and related residential facilities shall be five (5) acres.

    b. If the place of worship is located on a parcel or property in conjunction with a school as defined in this article, the minimum lot size shall be ten (10) acres, and use conditions associated with schools shall also apply.

    c. For places of worship located in residential zoning districts, accessory uses which occur with a frequency greater than once a month, shall only be permitted by special exception approval. Supporting residential housing facilities is not an applicable accessory use. Uses included in this requirement are amusements, classes, counseling services, dances, day care programs, fund raising events, meetings and events open to the public at large, plays, tailgate sales, outreach programs and the like.

    d. In granting a special exception for accessory uses, the Township Zoning Hearing Board shall consider the impact of the proposed activities on the ability of the site to sustain it and the impact on the surrounding neighborhood. Demand on available parking, scheduling and coordination of events, the hours of operation, and special restrictions shall be evaluated.

    e. In order to promote available parking within the Township, places of worship may rent or lease parking spaces to other uses and entities during days or times when church facilities or other functions are not in operation. Such agreement must be approved by the Township through the issuance of a use permit.

12. **Use D-12: School - Public/Private:** A facility, building, lot, parcel, use, or group of facilities, buildings and uses that provides a broad educational curriculum to individuals enrolled therein, and is registered or licensed as deemed appropriate by the State Department of Education, including private and public kindergartens, elementary, junior and senior high schools:

    a. The minimum lot area for newly-proposed schools shall be ten (10) acres.

    b. Access shall be from an arterial or collector road as identified in the Comprehensive Plan.

    c. Outdoor play area and fields shall be shielded with a high density screen when any portion thereof is located within one hundred (100) feet of an off-site, residential land use.

    d. Temporary classroom trailers are permitted provided they meet the district yard requirements.

13. **Use D-13: Art Gallery:** A public or private facility that is operated as an exhibition space for individual art pieces not mass produced, consisting of one or more of the

DRAFT

following: paintings, drawings, etchings, sculptures, or photographic prints; may include the sale or loan of the individual art pieces or the sale of related objects and services.

a. Art gallery shall not exceed 3,000 square feet.

14. **Use D-14: Assisted Living Facility:** A housing facility in which elderly residents have access to skilled nursing care, providing occasional supervision or assistance with activities of daily living, but who do not require 24-hour medical care or supervision, and live more independently than those residing in **Use D-10:** Nursing Home.

    a. The minimum lot area in all districts shall be five (5) acres.

    b. The maximum residential density permitted shall be thirty-six (36) beds per acre.

    c. Dwelling areas containing beds are permitted to be self-contained dwelling units with kitchen facilities.

    d. Any accessory use on the same lot with and customarily incidental this use is permitted, including any accessory retail, personal care business, office or cafeteria use that is used exclusively by residents, their visitors, or employees.

15. **Use D-15: Life Care Facility/CCRC:** A residential facility, building, or complex of buildings, exclusively designed and operated for persons in need of life care arrangements, within which is provided private or semi-private living and sleeping quarters, with private or common eating facilities, together with ancillary services for health care, social, and recreational services. Dependent care includes personal care, congregate care, intermediate care, and skilled nursing care.

    a. Permitted Uses:

        I. **G-9.** Village Dwelling Units

        II. **G-1.** Apartment Building/Multiplex Unit

        III. **D-10.** Nursing Home.

        IV. **D-14.** Assisted Living Facility.

        V. Any accessory use on the same lot with and customarily incidental to any of the above uses, including any accessory retail, personal care business, office or cafeteria use that is used exclusively by residents, their visitors, or employees.

    b. Permitted Density: Calculation of the permitted density is based on the declared dwelling unit types per gross site area, according to the following ratios:

DRAFT

I. Village Dwelling Units: 8 dwelling units per gross acre of land declared for this use.

II. Apartment Dwelling Units: 24 dwelling units per gross acre of land declared for this use.

III. Assisted Living or Nursing Home units: 36 beds per gross acre of land declared for this use.

c. Miminum Lot Size: 10 acres.

d. Unit Mix. A mix of housing unit types is encouraged. A minimum of two different dwelling unit types must be provided, and a minimum of 25% of the total permitted number of dwelling units must be of one type. No more than 25% of the total number of beds in the development may be dedicated to Dependent Care (Nursing Homes or Assisted Living).

e. Intended Use. Development plans for life care facilities must clearly designate the intended use for each structure and building.

f. Proposed use and development shall comply with the safety standards as contained in the Minimum Property Standards issued by the U.S. Department of Housing and Urban Development (HUD).

g. Dependent Care Facilities shall be in conformance with the Regulations of the Commonwealth of Pennsylvania.

h. Distance Between Buildings:

I. All apartment and dependent care buildings shall be separated from one another by a minimum distance of 30 feet.

II. All village dwellings shall be separated from one another by a minimum distance of 15 feet on the sides of the dwelling, and 30 feet on the front and rear of the dwelling

III. All accessory structures shall be separated from one another and from any principal building by a minimum distance of 30 feet.

i. Drop-Off Area. Each building used by residents of the facility, with the exception of village dwelling units, shall be provided with a minimum of one drop-off area for use by personal vehicles and vans.

j. Pedestrian Network. All buildings and facilities used by residents of the facility must be provided with a 6-foot wide pedestrian walkway (sidewalks and crosswalks) which interconnects the facility and connects to the street front sidewalk.

k. All roads shall be privately owned and maintained, but shall be built according to Township specifications.

DRAFT

l. All green space area is intended to be privately owned, and shall be planted and maintained according to the standards for open space established in this Ordinance. Open Space may be used for passive recreation only. Any proposed recreation facilities shall be allocated to the permitted site coverage.

E. **Office Uses**

1. **Use E-1: Office Building:** Such use shall include a building, structure, or use containing single or multiple tenant spaces in which the uses are primarily office functions in nature. While client and non-client office use is permitted, retail as an accessory use is not permitted. With the exception of first floor uses facing the public street, all uses have access through main building entrances.

   a. Apartment dwelling units are not permitted in office tenant spaces.

2. **Use E-2: Medical Clinic:** Such use shall include a building or group of buildings for the office of more than one dentist and/or physician, or for multiple offices by a group of dentists and physicians whose practices are not related, and are used for the diagnosis, examination, or treatment of persons as outpatients and for laboratories incidental thereto.

3. **Use E-3: Medical Office:** Such use shall include an office for the services of a dentist, doctor, or chiropractors, including such assistants as are necessary to perform the service but not including other doctor's with separate practices.

4. **Use E-4: Office Campus:** Such use shall include multiple office buildings greater than ten thousand (10,000) square feet in total gross leasable floor area on a single site, or combination of sites:

   a. All "E" use code classifications are permitted. Retail as a mixed or accessory use is not permitted.

   b. All buildings must be separated by a minimum of thirty (30) feet, and provided with direct access from an internal or public street.

   c. Parking spaces must be evenly distributed among the individual buildings or uses.

   d. Off-street parking, dumpsters, and loading space shall be provided in accordance with the requirements of this Ordinance, and shall be located immediately contiguous to the building served.

   e. All paved areas shall be constructed to specifications defined by the Township Zoning Officer.

1. **Use E-5: Professional Services:** Such use shall include a building, structure, or use for an office by an architect, counselor, engineer, insurance agent, lawyer, real estate broker, manufacturer's representative, and similar professional offices, excluding dental, health, or medical uses, personal care uses (see **Use B-20**), or professional service businesses (see **Use B-21**), which do not include the exchange or delivery of merchandise on the

DRAFT

premises, or storage of goods which are more than accessory to a standard office environment:

a. The office use may not contain a store front or any other retail commercial characteristics.

b. Buildings and structures designed and utilized for professional service uses, after the effective date of this Ordinance, shall not contain any dwelling units.

F. **Entertainment/Recreational Uses:**

1. **Use F-1: Amusement Arcade:** A building, structure, or portions thereof in which three (3) or more pinball machines, video games, mechanical rides, or other similar electronic, player-operated amusement devices are maintained for use and profit-making ventures:

   a. As an accessory use, the maximum floor area devoted to such use shall not exceed five hundred (500) square feet.

   b. As a primary use, the facility must be located within a shopping center or shopping mall.

   c. Virtual reality rides shall be located in enclosed buildings.

   d. Refer to the Township's Amusement Ordinance for additional conditions.

2. **Use F-2: Athletic/Health Club:** A building, facility or structure, which through membership and/or compensation, offers facilities and programs operated by a non-governmental agency for athletic, health or recreational workout and training, including but not limited to gymnasiums, exercise and weight rooms, game courts, locker rooms, jacuzzi and sauna, reduction and tanning salons, weight control programs, classes, group instruction, and accessory pro and health food snack shops:

   a. If outdoor courts are provided, they shall meet approved playing size standards exclusive of any required buffer areas.

   b. If outdoor playing courts are provided, a twenty-five (25) foot-wide screening buffer is required to surround the playing area, which shall be landscaped according to the standards of this Ordinance.

   c. Without revision to the required parking standards in order to accommodate extra uses, accessory uses of all types, including restaurants, retail areas and classrooms, are collectively limited to ten (10) percent of the gross floor area.

3. **Use F-3: Golf Course:** A golf course may include a club house, restaurant, and other accessory uses; provided these are clearly accessory to the golf course, and shall be subject to the following provisions:

   a. A lot area of not less than sixty (60) acres shall be required.

   b. No building shall be closer than one hundred (100) feet to any lot line.

DRAFT

c. A seventy-five (75) foot screening buffer shall be provided, in accordance with the provisions of this Ordinance, along all side and rear property lines.

4. **Use F-4: Movie Theater:** A building, structure, or use, primarily designed for the showing of on-screen films, movies, or videos, with one or more than one (1) theater for viewing. The term multiplex is applied to such uses with more than three (3) theaters or screens:

   a. Theaters containing more than two (2) screens and located within enclosed shopping malls, are not permitted shared parking provisions.

   b. Theaters containing more than two (2) screens shall provide pedestrian stacking room on sidewalk areas located directly adjacent to the building or showbox entrance, sufficient to contain fifty (50) persons per theater or screen, in single-file lanes. Pedestrian stacking lanes shall be positively separated from vehicular traffic flow areas.

   c. All exit points from the theater shall be lighted at night, and exit areas shall have at least two (2) directions of travel which lead directly to the parking areas.

   d. The front or showbox entrance shall have a lay-by area sufficient to stack at least one (1) car per screen, which is independent of vehicle access flow.

   e. Community impact statements, security provisions, and traffic impact studies are required for multiplex theaters.

5. **Use F-5: Outdoor Recreation:** Public or private miniature golf courses, swimming pools, ball courts, tennis courts, ball fields, trails, and similar uses which are not enclosed in buildings and are operated on a commercial or membership basis, primarily for the use of patrons who do not reside on the same lot or premises. Outdoor recreation shall include any accessory use, such as snack bars, pro shops, club houses, county clubs, or similar uses which are designed and intended primarily for the use of patrons of the principal recreational use. Outdoor recreation shall not include amusement parks, open space recreational uses, overnight camping parks, or other uses specifically provided herein.

6. **Use F-6: Indoor Recreation:** An indoor facility designed to accommodate sports such as bowling, ice skating, roller skating, roller blading, skateboarding, roller ball and the like.

7. **Use F-7: Public Grounds:** Land which is utilized for any of the following uses:

   a. Parks, playgrounds, public or community gardens, trails, paths and other active and passive recreational areas and other public areas;

   b. Publicly owned or operated scenic or historic sites.

8. **Use F-8: Theater (Performing):** An indoor facility, theater or auditorium, or other building or structure designed, intended, or used primarily for dance, dramatic, oratorical, musical, or other performance purposes.

DRAFT

9. **Use F-9: Amphitheater:** An outdoor oval or round structure having tiers of seats rising gradually outward from a central open space or arena, intended or used primarily for dance, dramatic, oratorical, musical, or other performance purposes.

G. **Residential Uses**

1. **Use G-1: Apartment Building/ Multiplex Unit:** A multiplex or apartment dwelling is a single, detached, residential building containing at least three (3), separate dwelling units, with units arranged in a variety of combinations including side-by-side, over and under, or back to back with another dwelling unit:

   a. The dwelling units may share outside access and internal hallways, lobbies and similar facilities.

   b. The dwelling units are usually contained on one (1) floor of the building and do not abut single-family dwelling units.

   c. The dwelling units cannot be individually lotted, but must share a lot or parcel on which the building is located; except under condominium law.

   d. The building and grounds are usually under one (1) operating unit, such as a rental or condominium management service.

   e. Parking spaces shall be located as conveniently as possible to the dwelling units and may be common or shared areas. All parking must be designed so that cars may enter and leave without the need to move other parked vehicles.

   f. Dimensional requirements unless specified differently in the zoning district containing the use:

      I. The minimum lot area per apartment or multiplex building use shall be ten thousand (10,000) square feet.

      II. The minimum lot area per dwelling unit and minimum floor area per dwelling unit shall be calculated according to the following ratios:

Unit Size	Lot Area/DU	Minimum Floor Area/DU
Efficiency	1,000 sq. ft.	400 sq. ft.
1 Bedroom	1,500 sq. ft.	500 sq. ft.
2 Bedroom	2,000 sq. ft.	650 sq. ft.
3 Bedroom	2,500 sq. ft.	800 sq. ft.
4 Bedroom	3,000 sq. ft.	950 sq. ft.

   g. Use of an apartment and of accessory uses that relate to business activity are not permitted.

   h. Adequate provision shall be made for useable outdoor recreation and accessory storage areas.

2. **Use G-2: Apartment Campus:** An apartment campus is a group of more than one apartment or multiplex buildings contained and developed on a single lot or premises:

DRAFT

a. The maximum length of any such building shall be one hundred and sixty (160) feet.

b. Apartment campuses containing more than three (3) buildings shall be arranged in groups or clusters, and not in long rows or parallel to street lines.

c. Each building shall contain its own screened dumpster area in accordance with township code.

d. Apartment campuses containing more than one (1) building shall have each building separated by a minimum distance of thirty (30) feet, in addition to required yard setbacks.

e. Parking spaces shall not be located with five (5) feet of any structure or property line.

f. Internal access roads shall be constructed to Township specifications.

g. Dimensional requirements common to all zoning districts:

I. The minimum lot area per apartment campus use shall be one (1) acre.

II. The maximum permitted density shall be sixteen (16) dwelling units per acre.

III. The minimum lot area per dwelling unit and minimum floor area per dwelling unit shall be calculated according to the following ratios:

Unit Size	Lot Area/DU	Minimum Floor Area/DU
Efficiency	1,000 sq. ft.	400 sq. ft.
1 Bedroom	1,500 sq. ft.	500 sq. ft.
2 Bedroom	2,000 sq. ft.	650 sq. ft.
3 Bedroom	2,500 sq. ft.	800 sq. ft.
4 Bedroom	3,000 sq. ft.	950 sq. ft.

h. Individual apartment/multiplex buildings shall also comply with the standards for use classification **G-1**.

3. **Use G-3: Duplex Unit: (Two-Family semi-detached):** A two-family building with one dwelling unit placed above the other, so that each unit shares one and only one common partition, which in the case of a duplex is a horizontal partition:

a. The duplex must be located entirely on one (1) lot, with front, rear, and two (2) side yards of the required depth for the district in which it is located.

b. Separate ingress and egress must be provided to each unit.

c. For approved building lots public water and public sewer must be provided.

d. The minimum lot size for duplex dwellings shall be seven thousand five-hundred (7500) square feet. The minimum lot size for duplex conversion from a single-family dwelling on nonconforming lots in districts where the use is permitted shall

DRAFT

be five thousand square feet when authorized as a special exception. If the minimum lot size indicated herein conflicts with the minimum lot size of the applicable zoning district, the larger of the two shall apply.

e. The maximum bedroom capacity for all duplex units shall be three (3) bedrooms.

f. Parking spaces shall be at least 9' X 18' for single family use.

g. Single-car garages shall not be utilized as required parking spaces.

4. **Use G-4: Estate Dwelling Unit (single family):** A large, privately-owned lot, comprising all or part of an area of deed-restricted open space, containing a single-family dwelling unit of at least five thousand (5000) square feet.

   a. The purpose of the estate lot is to provide surrounding residents with visual access to open land while keeping the land under private ownership and maintenance.

   b. The dwelling is to remain as part of the deed-restriction.

   c. See the Residential Cluster Overlay District for dimensional regulations.

5. **Use G-5: Mobile Home Development:** A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more lots, improved with the necessary utility connections and other appurtenances necessary for the placement thereon of mobile homes. A Mobile Home Development is permitted only by special exception, where such use is permitted. The burden of providing compliance with these standards shall be on the applicant.

   a. The tract of land to be developed shall be in one (1) ownership, or shall be the subject of an application filed by the owners of the entire tract, and it shall be agreed that the tract shall be developed under single direction and in the manner approved.

   b. Any parcel to be used for Mobile Home Development must have a minimum tract area of fifteen (15) contiguous acres of land.

   c. At least fifty (50) percent of the site must be composed of developable land as defined in this Ordinance.

   d. Any tract intended for Mobile Home Development must have direct access to a primary road (or on a road of a higher classification), as defined by the Township Comprehensive Plan. Plans showing provision for safe and efficient ingress and egress to and from the public streets and highways servicing the Mobile Home Development, without causing undue congestion, danger, confusion or interference with the normal traffic flow, shall be prepared by a qualified Traffic Engineer.

   e. Density: The maximum permitted density in the Mobile Home Developments shall be eight and seven tenths (8.7) dwelling units per acre, and shall be calculated from the gross site area excluding the rights-of-way of existing public roads.

   f. Dimensional Regulations: The following dimensional regulations are the district standards which must be achieved for any use, addition or alteration:

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MINIMUM LOT DIMENSIONS		
Lot Area	**Lot Width**	**Lot Depth**
5,000 square feet	50 feet	100 feet
MINIMUM YARD DIMENSION		
Front	**Side**	**Rear**
20 feet	10 feet	25 feet
COVERAGE		
Max. Bldg. Area	**Max. Impervious**	**Min. Green Area**
40 Percent	55 Percent	45 Percent
BUILDING DIMENSIONS		
Max. Height	**Max. Length**	**Min. Separation**
35 ft. max.	100 feet max.	20 feet. min.

Note: Residential Buffer requirements may change minimum yard size.

g. Site Design Requirements:

I. Arrangement of Structures and Facilities. The tract, including mobile home stands, patios, other dwellings and structures, and all tract improvements, shall be organized in relation to topography, slope of the plot, and the shape, size, and position of structures and common facilities. Special attention shall be given to new mobile home designs and to common appurtenances that are available.

II. Courts and Spaces. Groups or clusters of units, so placed as to create interior spaces and courtyards shall be incorporated whenever feasible.

III. Setback from Tract Boundary: No mobile home or other primary building shall be located closer than forty (40) feet to any boundary of a Mobile Home Development, regardless of whether that boundary abuts a lot, water body, road, or other right-of-way. In the event a Mobile Home Development abuts another such development, this distance may be reduced to twenty-five (25) feet.

IV. Setback from Street: In no case shall the long side of a mobile home, or any side of another primary building or accessory use be located closer than twenty-five (25) feet to the ultimate right-of-way line of any public street; to the edge of the cartway, to the equivalent right-of-way line on a private interior roadway, if applicable; or to the edge of any common pedestrian walkway within a Mobile Home Development. The short side of a mobile home shall be located no closer to these facilities than fifteen (15) feet. No more than six (6) homes in a row shall have the same setback; where varied setbacks are utilized, the difference shall be at least four (4) Feet.

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V. Setback for Common Facilities: No mobile home or accessory use shall be located within twenty-five (25) feet of any common parking area or common open space.

VI. Streets: All streets shall be considered residential streets for design purposes, and shall be constructed according to Township subdivision standards. Street layout shall avoid gridiron layouts.

h. Open Space Requirements:

I. At least twenty (20) percent of the site area of the Mobile Home Development must be in common open space; no more than one third (1/3) of which shall be required buffer area.

II. The common space shall be designed as a contiguous area unless the applicant demonstrates to the satisfaction of the Zoning Hearing Board that two (2) or more separate areas would be preferable. The open space shall have identifiable pedestrian accessibility to all residents of the development, although all units do not have to abut the common open space.

III. Recreation areas and facilities shall be provided to meet the anticipated needs of the residents of the development. Not less than twenty-five (25) percent of the required open space area, exclusive of lands within the required buffers, shall be of a size and shape that is conducive to active and passive recreation.

i. Buffers and Landscaping: A twenty-five foot (25) buffer shall completely surround the perimeter of the mobile home site, and shall be planted according to the landscape provision of this Ordinance.

j. Construction: No mobile home shall be erected on a mobile home lot except upon a mobile home pad. Each mobile home unit shall have its own separate pad.

I. Each mobile home pad shall be at least equal in length and width to the dimensions of the mobile home to be placed thereon.

II. The pad, at least six (6) inches in thickness, shall be constructed from concrete, asphalt concrete, or other material adequate to support the mobile home and to prevent abnormal settling or heaving under the weight of the home. In order to prevent wind overturn and rocking, the corners of the mobile homes shall be secured with at least six (6) tie-downs such as concrete "dead men", screw augers arrowhead anchors, or other devices suitable to withstand a tension of at least two thousand eight-hundred (2,800) pounds.

III. Each mobile home shall be set level on sturdy and substantial supports.

IV. Skirts. All mobile homes placed within a Mobile Home Development shall, prior to occupancy or other use, have skirts installed which are designed to complement the appearance of the mobile home park.

V. Mobile homes shall meet the requirements of all county, state and federal regulatory agencies having jurisdiction in such development.

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k. No lot shall be occupied until the streets, utilities, and all other required improvements, including the common open space to serve the occupants, shall be installed and approved by the Township.

l. No part of a mobile home park shall be used for non-residential purposes, except common open space, which shall be used for the pleasure and recreation of the park residents.

m. The mobile home park shall have a central water supply and distribution system.

n. Mobile home parks shall be used only where municipally operated sewer and water services are available. Individual lateral connections to the street sewer and to the mobile home shall conform to applicable Township and State regulations.

o. It shall be unlawful to operate a mobile home park within the Township unless a license has been issued by the Township, and unless a certificate of registration has been issued by Department of Environmental Protection.

6. **Use G-6: Single-Family Detached Dwelling:** A dwelling unit designed and used exclusively as the residence for only one (1) family unit, is the only dwelling unit located on the parcel it is situated on, and is not attached to any other structures or dwelling units, except accessory structures permitted in this Ordinance:

a. For approved building lots less than one (1) acre in size, public water and public sewer must be provided.

b. The minimum lot size for single-family detached dwellings shall be five thousand (5000) square feet. If the minimum lot size indicated herein conflicts with the minimum lot size of the applicable zoning district, the larger of the two shall apply.

c. Parking spaces shall be at least 9' X 18' for single-family use.

d. Single-car garages shall not be utilized as required parking spaces.

e. A single-family dwelling unit shall only contain one kitchen facility.

7. **Use G-7: Townhouse Dwelling Unit (Single-Family Attached):** A townhouse or rowhouse is a single-family attached or semi-detached dwelling within a multi-dwelling building, consisting of at least three (3) such dwelling units, with each unit occupying the total space from ground to roof, and joined to each other by not more than two (2) vertical, common party walls, which also serve as the lot line dividing the properties. Townhouses may be one- (1), two- (2), or three- (3) level dwelling units, provided they do not exceed the district height limitation:

a. Townhouses shall be arranged in groups or clusters, and not in long rows parallel to street lines. Townhouse buildings shall have no more than eight (6) units in a row. A row of townhouses shall not exceed one hundred eighty (160) feet. A minimum eighteen (18) inch variation in setback shall occur at least every second dwelling unit.

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b. For approved building lots, public water and public sewer must be provided.

c. The minimum lot size for townhouse or rowhouse dwellings shall be two thousand five hundred (2500) square feet. If the minimum lot size indicated herein conflicts with the minimum lot size of the applicable zoning district, the larger of the two shall apply.

d. Parking spaces shall be at least 9' X 18' and must be single width for interior units, with double-width spaces permitted on end units only.

e. A minimum of a twelve- (12) inch planting strip must be provided between adjoining driveways.

f. Single-car garages shall not be utilized as required parking spaces, unless a basement is provided.

8. **Use G-8: Twin Houses (Single-Family semi-detached):** A two-family building with dwelling units placed side-by-side, with each unit occupying the total space from ground to roof, and joined to each other by a vertical, common party wall which also serves as the lot line dividing the properties, but is otherwise surrounded by required yard areas:

a. For approved building lots, public water and public sewer must be provided.

b. The minimum lot size for single-family semi-detached dwellings shall be three thousand seven hundred and fifty (3750) square feet. If the minimum lot size indicated herein conflicts with the minimum lot size of the applicable zoning district, the larger of the two shall apply.

c. Parking spaces shall be at least 9' X 18'.

d. Single-car garages shall not be utilized as required parking spaces.

9. **Use G-9: Village Dwelling Unit:** A single-family detached house, differing from traditional single-family dwellings in lot area and lot design. The front yard is shallow and individually distinguished by one of the following elements:

a. An unenclosed porch, at least seven (7) feet deep, running across at least three quarters (.75) of the front house wall.

b. A front yard raised above street or sidewalk grade by at least thirty (30) inches, with a minimum retaining wall of twenty (20) inches.

c. A fence between twenty-four (24) inches and forty-eight (48) inches in height, enclosing the front yard area, half of which area must be planted with flowering shrubs.

d. A stone or brick front façade, or a brick or stone driveway and front yard walkway.

H. **Utility Uses:**

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1. **Use H-1: Conservation/Recreation Facility:** A lot, parcel, or area of land which is dedicated or deed-restricted for open space, forest, stream, or wildlife preservation, or for some other general conservation purpose. Areas so dedicated in conjunction with subdivision or land development plans shall follow the district guidelines, and deed-restricted open space areas shall follow the open space provisions of this Ordinance. Such use shall also include a recreational facility or park, owned or operated by the municipality or other governmental agency.

2. **Use H-2: Emergency Services:** Such use shall include ambulance, fire, police, rescue, and other emergency services of a municipal or volunteer nature.

3. **Use H-3: Utility Operating Facility:** Such use shall include a transformer station, pumping station, relay station, electric towers, substation, sewage treatment plant, and any similar or related installation, not including an incinerator or landfill. Such use shall also include public transportation structures such as train stations and bus shelters.

    a. No public business office, retail activity, or storage is permitted in connection with the use.

    b. Except when located in utility or public rights-of-way, such structures and uses other than bus shelters shall meet the required dimensional criteria for the district in which they are located.

    c. Uses shall be screened according to the landscape provisions of this Ordinance.

    d. Bus shelters shall not exceed one hundred (100) square feet in roof area, cannot be erected closer than three (3) feet from any cartway edge, and the specific design must be approved by the Township.

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ARTICLE V
R1 RESIDENTIAL DISTRICTS

§295-500. LEGISLATIVE INTENT

A. In expansion of the Declaration of Legislative Intent found in Article I of this Ordinance and the Statement of Community Development Objectives found in Article I, the purpose of this Article, among others, is as follows:

1. Promote the maintenance, stability, and continued viability of the Township's residential neighborhoods.
2. Ensure new residential infill development and redevelopment is in character with existing neighborhoods.
3. Accommodate a variety of housing types.

§295-501. PERMITTED USES

A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other, subject to the guidelines herein:

A. **Use D-1.** Cemetery.

B. **Use D-8.** Library.

C. **Use D-10.** Nursing Home.

D. **Use D-14.** Assisted Living Facility.

E. **Use F-3.** Golf Course

F. **Use F-5.** Outdoor Recreation

G. **Use F-7.** Public Ground

H. **Use G-6.** Single-family detached dwelling.

I. The following accessory uses on the same lot which are with and customarily incidental to any of the above permitted uses and as provided for in Article IV herein:

1. **Use A-1.** Residential Accessory Structure.
2. **Use A-3.** Recreational Vehicles.
3. **Use A-5.** Antenna Systems.
4. **Use A-6.** Fences and Walls.
5. **Use A-7.** Home Occupation.
6. **Use A-8.** Storage (Outdoor).
7. **Use A-9.** Swimming Pool.
8. **Use A-10.** Tennis/Sport Courts.

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9. **Use A-13.** No-Impact Home-Based Business.
10. **Use A-14.** Agriculture.
11. **Use A-15.** Livestock.
12. **Use A-16**. Fowl/Poultry.
13. **Use D-4.** Adult/Child Day Care

I. Uses Permitted by Special Exception:

1. **Use B-4.** Bed and Breakfast.
2. **Use D-15.** Life Care Facility/CCRC.

§295-502. DIMENSIONAL STANDARDS

A. The following dimensional requirements shall apply:

	Residential Use Dimensional Requirements
Minimum Lot Area	20,000 square feet
Minimum Lot Width	100 feet
Setbacks	*Minimum setbacks required for primary structures. See general regulations for allowed projections into setbacks.*
Front	50 feet or the average of the two closest adjacent structures
Sides	Aggregate 40 feet; neither side shall be set back less than 15 feet
Rear	25 feet
Garage	10 feet from the front façade of the primary structure (see additional regulations, Section 503)
Maximum Building Coverage	15%
Maximum Impervious Coverage	35%
Maximum Building Height	3 stories or 40 feet

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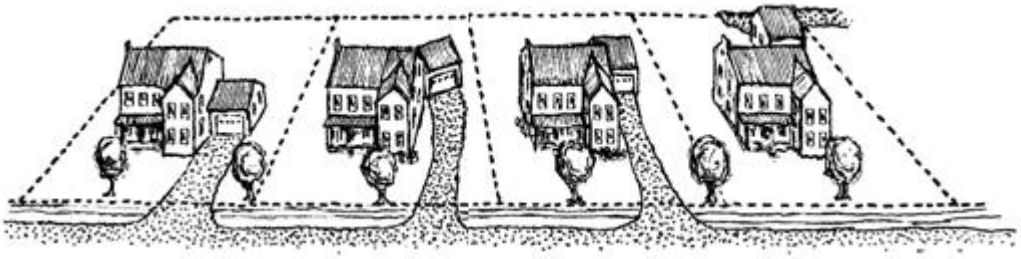
§295-503. ADDITIONAL REGULATIONS APPLYING TO SINGLE-FAMILY DETACHED DWELLINGS

A. Garages shall meet one of the following design options, as illustrated below:

1. The garage is front-entry and is set back 10 feet from the front façade of the primary structure.
2. The garage is side entry, so garage doors are perpendicular to the street on which the house faces.
3. The garage is located behind the rear façade of the house. In such case, the garage may be detached from or attached to the house.
4. The garage is rear entry, so that garage doors are on the opposite side of the house from the front façade. In such case, a garage would typically be accessed by an alley.



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ARTICLE VI

R2 RESIDENTIAL DISTRICTS

§295-600. LEGISLATIVE INTENT

A. In expansion of the Declaration of Legislative Intent found in Article I of this Ordinance and the Statement of Community Development Objectives found in Article I, the purpose of this Article, among others, is as follows:

1. Promote the maintenance, stability, and continued viability of the Township's residential neighborhoods.
2. Ensure new residential infill development and redevelopment is in character with existing neighborhoods.
3. Accommodate a variety of housing types.

§295-601. PERMITTED USES

A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other, subject to the guidelines herein:

A. **Use D-1.** Cemetery.

B. **Use D-8.** Library.

C. **Use D-10.** Nursing Home.

D. **Use D-14.** Assisted Living Facility.

E. **Use F-5.** Outdoor recreation.

F. **Use F-7.** Public Grounds.

G. **Use G-6.** Single-family detached dwelling.

H. The following accessory uses on the same lot which are with and customarily incidental to any of the above permitted uses and as provided for in Article IV herein:

1. **Use A-1.** Residential Accessory Structure.
2. **Use A-3.** Recreational Vehicles.
3. **Use A-5.** Antenna Systems.
4. **Use A-6.** Fences and Walls.
5. **Use A-7.** Home Occupation.
6. **Use A-8.** Storage (Outdoor).
7. **Use A-9.** Swimming Pool.
8. **Use A-10.** Tennis/Sport Courts.

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9. **Use A-13.** No-Impact Home-Based Business.
10. **Use A-14.** Agriculture.
11. **Use A-15.** Livestock.
12. **Use A-16**. Fowl/Poultry.
13. **Use D-4.** Adult/Child Day Care.

I. Uses Permitted by Special Exception:

1. **Use B-4.** Bed and Breakfast.
2. **Use B-15.** Funeral Homes.
3. **Use D-15.** Life Care Facility/CCRC.

§295-602. DIMENSIONAL STANDARDS

A. The following dimensional requirements shall apply:

	Residential Use Dimensional Requirements
Minimum Lot Area	10,000 square feet
Minimum Lot Width	70 feet
Setbacks	*Minimum setbacks required for primary structures. See general regulations for allowed projections into setbacks.*
Front	40 feet or the average of the two closest adjacent structures
Sides	Aggregate 30 feet; neither side shall be set back less than 10 feet
Rear	25 feet
Garage	10 feet from the front façade of the primary structure (see additional regulations, Section 603)
Maximum Building Coverage	20%
Maximum Impervious Coverage	40%
Maximum Building Height	3 stories or 40 feet

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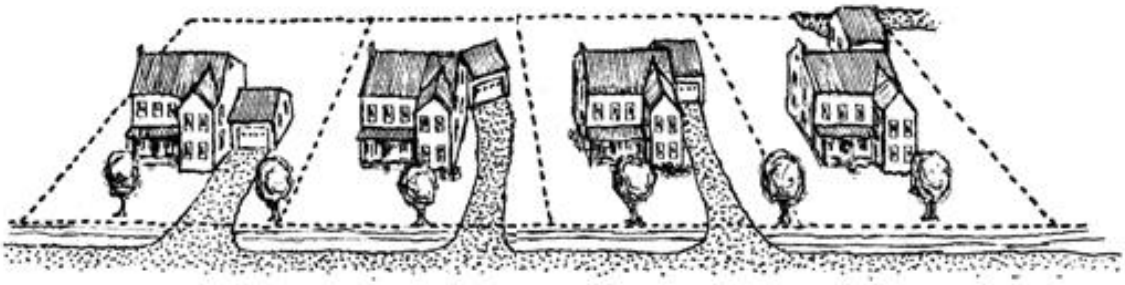
§295-603. ADDITIONAL REGULATIONS APPLYING TO SINGLE-FAMILY DETACHED DWELLINGS

A. Garages shall meet one of the following design options, as illustrated below:

1. The garage is front-entry and is set back 10 feet from the front façade of the primary structure.
2. The garage is side entry, so garage doors are perpendicular to the street on which the house faces.
3. The garage is located behind the rear façade of the house. In such case, the garage may be detached from or attached to the house.
4. The garage is rear entry, so that garage doors are on the opposite side of the house from the front façade. In such case, a garage would typically be accessed by an alley.



§295-604. SPECIAL EXCEPTION CRITERIA

A. Funeral homes must have a street frontage of one hundred (100′) feet.

B. Funeral homes must be located in a building of at least three thousand (3000′) square feet.

C. Crematoriums shall not be permitted.

D. Funeral Homes must have frontage on a state highway and must take access from that highway.

E. If a funeral home is converted from a residential building, the residential character of the building and the surrounding neighborhood must be maintained.

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ARTICLE VII

R3 RESIDENTIAL DISTRICTS

§295-700. LEGISLATIVE INTENT

A. In expansion of the Declaration of Legislative Intent found in Article I of this Ordinance and the Statement of Community Development Objectives found in Article I, the purpose of this Article, among others, is as follows:

1. Promote the maintenance, stability, and continued viability of the Township's residential neighborhoods.
2. Ensure new residential infill development and redevelopment is in character with existing neighborhoods.
3. Accommodate a variety of housing types.

§295-701. PERMITTED USES

A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other, subject to the guidelines herein:

A. **Use F-5.** Outdoor Recreation

B. **Use F-7**. Public Grounds.

C. **Use G-3.** Two-family semi-detached dwelling (duplex).

D. **Use G-6.** Single-family detached dwelling.

E. **Use G-7.** Single-family attached dwelling (rowhouse or townhouse).

F. **Use G-8.** Single-family semi-detached dwelling (twin).

G. The following accessory uses on the same lot which are with and customarily incidental to any of the above permitted uses and as provided for in Article IV herein:

1. **Use A-1.** Residential Accessory Structure.
2. **Use A-3.** Recreational Vehicles.
3. **Use A-5.** Antenna Systems.
4. **Use A-6.** Fences and Walls.
5. **Use A-7.** Home Occupation.
6. **Use A-8.** Storage (Outdoor).
7. **Use A-9.** Swimming Pool.
8. **Use A-10.** Tennis/Sport Courts.
9. **Use A-13.** No-Impact Home-Based Business.

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10. **Use A-14.** Agriculture.

11. **Use A-15.** Livestock.

12. **Use A-16**. Fowl/Poultry.

13. **Use D-4.** Adult/Child Day Care.

H. Uses Permitted by Special Exception:

a. **Use B-4:** Bed and Breakfast.

§295-702. DIMENSIONAL STANDARDS

A. The following dimensional requirements shall apply:

	Residential Use Dimensional Requirements
Minimum Lot Area	Single-family detached dwelling: 7,500 square feet Single-family semi-detached dwelling: 5,000 square feet per dwelling unit Two-family dwellings: 3,000 square feet per dwelling unit Single-family attached dwelling: 3,000 square feet per dwelling unit
Minimum Lot Width	Single-family detached and Single-family semi-detached dwelling: 50 feet Two-family dwellings and Single-family attached dwelling: 24 feet
Setbacks	*Minimum setbacks required for primary structures. See general regulations for allowed projections into setbacks.*
Front	40 feet or the average of the two closest adjacent structures
Sides	Single-family detached, single-family semi-detached, and two-family dwellings: Aggregate 20 feet, neither of which shall be less than 8 feet; Single-family attached dwelling: 15 feet per end unit
Rear	25 feet
Garage	10 feet from the front façade of the primary structure (see additional regulations, Sections 703 & 704)
Maximum Building Coverage	30%
Maximum Impervious Coverage	50%
Minimum Green Space Required in Front Yard	Single family attached dwelling: 50%

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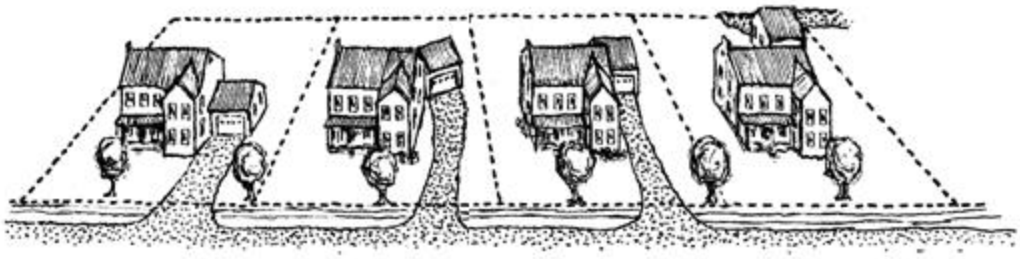
Maximum Building Height	3 stories or 40 feet

§295-703. ADDITIONAL REGULATIONS APPLYING TO SINGLE-FAMILY DETACHED AND TWO-FAMILY DWELLINGS



A. Garages shall meet one of the following design options, as illustrated below:
   1. The garage is front-entry and is set back 10 feet from the front façade of the primary structure.
   2. The garage is side entry, so garage doors are perpendicular to the street on which the house faces.
   3. The garage is located behind the rear façade of the house. In such case, the garage may be detached from or attached to the house.
   4. The garage is rear entry, so that garage doors are on the opposite side of the house from the front façade. In such case, a garage would typically be accessed by an alley.

§295-704. ADDITIONAL REGULATIONS APPLYING TO SINGLE-FAMILY ATTACHED DWELLINGS

A. Parking Requirements.
   1. For end units, garages must either be located behind the unit or be side entry.
   2. Off-street unenclosed parking for all units must be located to the rear of the units.

B. Building Width and Number of Units.
   1. Individual units shall be a minimum of 20 feet in width.
   2. The maximum number of dwelling units per building row shall be 6.

C. Utilities shall be placed underground or be within the rear yards.

D. Building Separation.
   1. There shall be a 60 foot separation between groups of buildings.

E. Building Length.
   1. The maximum building length shall be 160 feet.

F. Open Space Requirement.
   1. Developments of 2 buildings or more shall provide open space equal to 20% of the gross tract area.

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2. Open space may consist of a park, active recreation facilities, passive open space, and other similar types of open space.
3. No portion of any building lot or road right-of-way area shall be used for meeting the minimum required amount of total open space.

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ARTICLE VIII

R4 RESIDENTIAL DISTRICTS

§295-800. LEGISLATIVE INTENT

A. In expansion of the Declaration of Legislative Intent found in Article I of this Ordinance and the Statement of Community Development Objectives found in Article I, the purpose of this Article, among others, is as follows:

1. Promote the maintenance, stability, and continued viability of the Township's residential neighborhoods.
2. Ensure new residential infill development and redevelopment is in character with existing neighborhoods.
3. Accommodate a variety of housing types.

§295-801. PERMITTED USES

A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other, subject to the guidelines herein:

A. **Use D-10.** Place of worship.

B. **Use F-5.** Outdoor recreation

C. **Use F-7.** Public grounds.

D. **Use G-3.** Two-family semi-detached detached dwelling (duplex).

E. **Use G-6.** Single-family detached dwelling.

F. **Use G-7.** Single-family attached dwelling (rowhouse or townhouse).

G. **Use G-8.** Single-family semi-detached dwelling (twin).

H. The following accessory uses on the same lot which are with and customarily incidental to any of the above permitted uses and as provided for in Article IV herein:

1. **Use A-1.** Residential Accessory Structure.
2. **Use A-3.** Recreational Vehicles.
3. **Use A-5.** Antenna Systems.
4. **Use A-6.** Fences and Walls.
5. **Use A-7.** Home Occupation.
6. **Use A-8.** Storage (Outdoor).
7. **Use A-9.** Swimming Pool.
8. **Use A-10.** Tennis/Sport Courts.

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9. **Use A-13.** No-Impact Home-Based Business.

10. **Use A-14.** Agriculture.

11. **Use A-15.** Livestock.

12. **Use A-16**. Fowl/Poultry.

13. **Use D-4.** Adult/Child Day Care.

I. Uses Permitted by Special Exception:

1. **Use B-4:** Bed and Breakfast.

§295-802. DIMENSIONAL STANDARDS

A. The following dimensional requirements shall apply:

	Dimensional Requirements
Minimum Lot Area	2,500 square feet
Minimum Lot Width	24 Feet
Setbacks	*Minimum setbacks required for primary structures. See general regulations for allowed projections into setbacks.*
Front	20 feet or the average of the two closest adjacent structures
Sides	Single-family detached, single-family semi-detached, and two-family dwellings: Aggregate 15 feet, neither of which shall be less than 7 feet; Single-family attached dwelling: 8 feet per end unit
Rear	25 feet
Garage	10 feet from the front façade of the primary structure (see additional regulations, Sections 803 & 804)
Maximum Building Coverage	35%
Maximum Impervious Coverage	55%
Minimum Green Space Required in Front Yard	Single family attached dwelling: 45%
Maximum Building Height	3 stories or 40 feet

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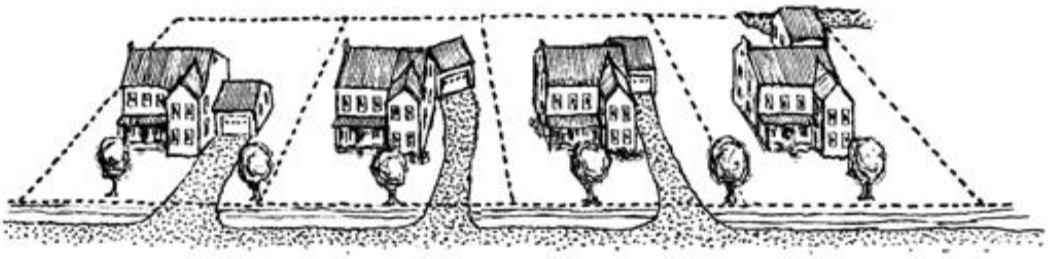
§295-803. ADDITIONAL REGULATIONS APPLYING TO SINGLE-FAMILY DETACHED AND SEMI-DETACHED DWELLINGS

A. Garages shall meet one of the following design options, as illustrated below:

1. The garage is front-entry and is set back 10 feet from the front façade of the primary



structure.

2. The garage is side entry, so garage doors are perpendicular to the street on which the house faces.
3. The garage is located behind the rear façade of the house. In such case, the garage may be detached from or attached to the house.
4. The garage is rear entry, so that garage doors are on the opposite side of the house from the front façade. In such case, a garage would typically be accessed by an alley.

§295-804. ADDITIONAL REGULATIONS APPLYING TO SINGLE-FAMILY ATTACHED DWELLINGS

A. Parking Requirements.

1. For end units, garages must either be located behind the unit or be side entry.
2. Off-street unenclosed parking for all units must be located to the rear of the units.

B. Building Width and Number of Units.

1. Individual units shall be a minimum of 20 feet in width.
2. The maximum number of dwelling units per building row shall be 6.

C. Utilities shall be placed underground or be within the rear yards.

D. Building Separation.

1. There shall be a 60 foot separation between groups of buildings.

E. Building Length.

1. The maximum building length shall be 160 feet.

F. Open Space Requirement.

1. Developments of 2 buildings or more shall provide open space equal to 20% of the gross tract area.

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2. Open space may consist of a park, active recreation facilities, passive open space, and other similar types of open space.
3. No portion of any building lot or road right-of-way area shall be used for meeting the minimum required amount of total open space.

§295-805. CONVERSIONS OF DWELLINGS IN THE R4 RESIDENTIAL DISTRICT

A. The Township Zoning Hearing Board may authorize as a special exception the conversion of any dwelling in R4 Residential Districts at the effective date of this chapter on a designated lot into a dwelling for a greater number of families than is permitted by the district regulations therein, but not more than three, subject to the following requirements:

1. The lot area per family shall not be reduced to less than 2,000 square feet.

2. The yard, building area and other applicable requirements for the district shall not be reduced.

3. No major structural alteration of the building exterior shall be made except as may be necessary for purposes of sanitation and safety.

4. Such conversion shall be authorized only for a building which has little economic value or usefulness as a single-family dwelling or other conforming use.

B. The Township Zoning Hearing Board may prescribe such further conditions and restrictions with respect to the conversion and use of such building as it deems appropriate in accordance with Article **XXX** of this chapter.

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ARTICLE IX

M1 MULTIFAMILY RESIDENTIAL DISTRICTS

§295-900. LEGISLATIVE INTENT

A. In expansion of the Declaration of Legislative Intent found in Article I of this Ordinance and the Statement of Community Development Objectives found in Article I, the purpose of this Article, among others, is as follows:

1. Promote the maintenance, stability, and continued viability of the Township's residential neighborhoods.
2. Ensure new residential infill development and redevelopment is in character with existing neighborhoods.
3. Accommodate a variety of housing types.

§295-901. PERMITTED USES

A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other, subject to the guidelines herein:

A. **Use D-3.** Community center

B. **Use F-5.** Outdoor Recreation.

C. **Use F-7.** Public Grounds.

D. **Use G-1.** Apartment building/multiplex unit.

E. **Use G-2.** Apartment campus.

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F. The following accessory uses are permitted provided the accessory uses (in total) are equal to 15 percent or less of the gross building area:

a. **Use B-9.** Convenience store.

b. **Use B-10.** Dry cleaning (drop-off only).

c. **Use B-20.** Personal care business.

d. **Use B-21**. Personal service business.

e. **Use B-25.** Restaurant or cafe.

f. **Use B-27.** Retail shop

g. **Use E-3.** Medical office.

h. **Use E-5.** Professional services.

G. These other following accessory uses on the same lot which are with and customarily incidental to any of the above permitted uses and as provided for in Article IV herein:

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1. **Use A-1.** Residential Accessory Structure.
2. **Use A-3.** Recreational Vehicles.
3. **Use A-5.** Antenna Systems.
4. **Use A-6.** Fences and Walls.
5. **Use A-8.** Storage (Outdoor).
6. **Use A-9.** Swimming Pool.
7. **Use A-10.** Tennis/Sport Courts.
8. **Use A-13.** No-Impact Home-Based Business.

§295-902. DIMENSIONAL STANDARDS

A. The following dimensional requirements shall apply:

	Dimensional Requirements
Minimum Lot Area	1 acre; 2,500 square feet per dwelling unit
Minimum Lot Width	200 Feet
Setbacks	*Minimum setbacks required for primary structures. See general regulations for allowed projections into setbacks.*
Front	100 feet or the average of the two closest adjacent existing structures
Sides	50 feet
Rear	50 feet
Maximum Building Coverage	25%
Maximum Impervious Coverage	55%
Maximum Building Height	4 stories or 55 feet
Minimum Parking Setback	50 feet from front property line; 20 feet from rear and side property lines; 50 feet from adjacent single-family residential zoning districts

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§ 295-903. ADDITIONAL REGULATIONS FOR MULTIFAMILY DWELLINGS.

A. Exterior 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. The height of fixtures shall be a maximum of 20 feet for parking lots and 14 feet for pedestrian walkways.

B. 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. 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.

C. Screening:

1. All wall-mounted mechanical, electrical, communication, and service equipment, including satellite dishes and vent pipes shall be screened from public view by parapets, walls, fences, landscaping, or other approved means.
2. All rooftop mechanical equipment and other appurtenances shall be concealed by or integrated within the roof form or screened from view at ground level of nearby streets. The following, when above the roofline, requires screening: stair wells, elevator shafts, air conditioning units, large vents, heat pumps and mechanical equipment.

D. Service and loading areas must be visually screened from street and pedestrian ways. For new construction, service and loading areas must be behind the building. Loading docks shall to the side and rear of the building.

E. Natural Features. Environmental amenities including creeks, streams, other drainage courses, and mature trees shall be preserved by being incorporated into the site plan design.

F. Building Length.

1. The maximum building length shall be 160 feet.

G. Building Design Standards. Multifamily buildings shall meet the following requirements:

1. Building Orientation and Entrances:

a. The front façade of buildings shall be oriented towards the street, with an everyday public entrance in this front façade.

b. When buildings are located on corners, the entrance shall be located on the corner with an appropriate building articulation, such as a chamfered corner, turret, canopy, or other similar building feature.

c. All primary building entrances shall be accentuated. Entrances permitted include: recessed, protruding, canopy, portico, or overhang.

d. Buildings shall generally employ building types that are compatible to the historic architecture of the area in their massing and external treatment (where applicable).

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H. Open Space Requirement.

1. Developments of 2 buildings or more shall provide open space equal to 30% of the gross tract area.

2. Open space may consist of a park, active recreation facilities, passive open space, and other similar types of open space.

3. No portion of any building lot or road right-of-way area shall be used for meeting the minimum required amount of total open space.

I. Common Recreation Areas.

1. A clubhouse, swimming pool, and/or tennis, volleyball, or basketball courts, shall be oriented internally or along major roadways, and away from residential development on neighboring properties.

2. All such facilities shall be visible from and have substantial access to a street.

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ARTICLE X

M2 MULTIFAMILY RESIDENTIAL DISTRICTS

§295-1000. LEGISLATIVE INTENT

A. In expansion of the Declaration of Legislative Intent found in Article I of this Ordinance and the Statement of Community Development Objectives found in Article I, the purpose of this Article, among others, is as follows:

1. Promote the maintenance, stability, and continued viability of the Township's residential neighborhoods.
2. Ensure new residential infill development and redevelopment is in character with existing neighborhoods.
3. Accommodate a variety of housing types.

§295-1001. PERMITTED USES

A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other, subject to the guidelines herein:

A. **Use D-1.** Cemetery.

B. **Use F-5.** Outdoor Recreation.

C. **Use F-7.** Public Grounds.

D. **Use G-1.** Apartment building/multiplex unit

E. **Use G-2.** Apartment Campus.

F. The following accessory uses are permitted provided the accessory uses (in total) are equal to 15 percent or less of the gross building area:

1. **Use B-9.** Convenience store.
2. **Use B-10.** Dry cleaning (drop-off only).
3. **Use B-20.** Personal care business.
4. **Use B-21.** Professional services business.
5. **Use B-25.** Restaurant or cafe.
6. **Use B-27.** Retail Shop.
7. **Use E-3.** Medical office.
8. **Use E-5**. Professional Services.

G. These other following accessory uses on the same lot which are with and customarily incidental to any of the above permitted uses and as provided for in Article IV herein:

9. **Use A-1.** Residential Accessory Structure

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10. **Use A-3.** Recreational Vehicles
11. **Use A-5.** Antenna Systems
12. **Use A-6.** Fences and Walls
13. **Use A-8.** Storage (Outdoor)
14. **Use A-9.** Swimming Pool
15. **Use A-10.** Tennis/Sport Courts
16. **Use A-13.** No-Impact Home-Based Business

§295-1002. DIMENSIONAL STANDARDS

A. The following dimensional requirements shall apply:

	Dimensional Requirements
Minimum Lot Area	2 acres; 2,000 square feet per dwelling unit
Minimum Lot Width	200 Feet
Setbacks	*Minimum setbacks required for primary structures. See general regulations for allowed projections into setbacks.*
Front	100 feet or the average of the two closest adjacent existing structures
Sides	50 feet
Rear	75 feet
Maximum Building Coverage	25% for buildings up to 3 stories; 18% for 4-story buildings; 15% for 5-6 story buildings; 12% for buildings 7 or more stories
Maximum Impervious Coverage	55%
Maximum Building Height	8 stories or 90 feet
Minimum Parking Setback	50 feet from front property line; 20 feet from rear and side property lines; 50 feet from adjacent single-family residential zoning districts

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§ 295-903. ADDITIONAL REGULATIONS FOR MULTIFAMILY DWELLINGS

A. Exterior 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. The height of fixtures shall be a maximum of 20 feet for parking lots and 14 feet for pedestrian walkways.

B. 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. 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.

C. Screening:

1. All wall-mounted mechanical, electrical, communication, and service equipment, including satellite dishes and vent pipes shall be screened from public view by parapets, walls, fences, landscaping, or other approved means.
2. All rooftop mechanical equipment and other appurtenances shall be concealed by or integrated within the roof form or screened from view at ground level of nearby streets. The following, when above the roofline, requires screening: stair wells, elevator shafts, air conditioning units, large vents, heat pumps and mechanical equipment.
3. Service and loading areas must be visually screened from street and pedestrian ways. For new construction, service and loading areas must be behind the building. Loading docks shall to the side and rear of the building.

D. Natural Features. Environmental amenities including creeks, streams, other drainage courses, and mature trees shall be preserved by being incorporated into the site plan design.

E. Building Length.

1. The maximum building length shall be 160 feet.

F. Building Design Standards. Multifamily buildings shall meet the following requirements:

1. Building Orientation and Entrances:

1. The front façade of buildings shall be oriented towards the street, with an everyday public entrance in this front façade.

2. When buildings are located on corners, the entrance shall be located on the corner with an appropriate building articulation, such as a chamfered corner, turret, canopy, or other similar building feature.

3. All primary building entrances shall be accentuated. Entrances permitted include: recessed, protruding, canopy, portico, or overhang.

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4. Buildings shall generally employ building types that are compatible to the historic architecture of the area in their massing and external treatment (where applicable).

G. Open Space Requirement.

1. Developments of 2 buildings or more shall provide open space equal to 30% of the gross tract area.

2. Open space may consist of a park, active recreation facilities, passive open space, and other similar types of open space.

3. No portion of any building lot or road right-of-way area shall be used for meeting the minimum required amount of total open space.

H. Common Recreation Areas.

1. A clubhouse, swimming pool, and/or tennis, volleyball, or basketball courts, shall be oriented internally or along major roadways, and away from residential development on neighboring properties.

2. All such facilities shall be visible from and have substantial access to a street.

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ARTICLE XI

C1 COMMERCIAL DISTRICTS

§295-1100. LEGISLATIVE INTENT

A. In expansion of the Declaration of Legislative Intent and the Statement of Community Development Objectives found in Article I of this Chapter, the intent of the C1 Commercial District is to:

1. Encourage a broad range of commercial uses in the Township that will serve residents and complement existing businesses.
2. Provide appropriate locations in the Township for large-scale commercial developments such as shopping centers, chain stores, car dealerships, and other uses that rely traditionally on vehicular access and parking.
3. Provide regulations to minimize congestion and ensure safe traffic conditions within and near the site.
4. Allow existing commercial properties to be appropriately redeveloped.
5. Encourage commercial development design that will reflect community identity and protect the character and property values of adjacent and nearby neighborhoods.
6. Provide safe and attractive access to shopping areas for pedestrians and provide for convenient use of public transit and bicycles.
7. Minimize the impacts of commercial parking and loading areas and buildings with mitigation measures such as landscaping, fencing, and buffering between shopping centers and neighboring districts.
8. Promote the principals of sustainable development by encouraging energy efficient buildings, environmentally sensitive site design, and walkable shopping districts.

§295-1101. PERMITTED USES

A. A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other, subject to the guidelines herein:

1. **Use B-3.** Bank or financial institution.
2. **Use B-5.** Building Materials.
3. **Use B-8.** Commercial school.
4. **Use B-10.** Dry cleaner (Drop-off only).
5. **Use B-14**. Funeral Home.
6. **Use B-15.** Hotels.
7. **Use B-17.** Mixed-Use Buildings.
8. **Use B-20.** Personal care business, including but not limited to: barbershop and/or hair salon, nail salon, spa, and tanning salon.

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9. **Use B-21.** Professional Service business, including but not limited to: insurance offices, printing and copy centers, mailbox rental, shipping and parcel delivery services, and picture framing.
10. **Use B-23.** Rental Agencies (Vehicles).
11. **Use B-25.** Restaurants, to include outdoor dining facilities.
12. **Use B-26.** Retail Take-Out Foods.
13. **Use B-28.** Retail stores offering a variety of goods, including but not limited to: clothing, shoes, hardware, appliances, furniture, jewelry, electronic equipment, and sporting goods.
14. **Use B-29.** Supermarket, provided they have a minimum of 12,000 square feet of gross floor area.
15. **Use B-31**. Shopping centers.
16. **Use B-32.** Shopping malls.
17. **Use B-36.** Veterinary clinic.
18. **Use B-37.** Motels.
19. **Use D-4.** Adult/child day care.
20. **Use E-1.** Office Building.
21. **Use E-5.** Professional services
22. **Use F-1.** Amusement arcades.
23. **Use F-2.** Athletic/health club.
24. **Use F-4.** Movie theaters.
25. **Use F-6.** Indoor recreation facilities.
26. **Use G-1.** Apartment Building/Multiplex Unit, permitted only as a part of **Use B-17: Mixed Use Building.**
27. Uses Permitted by Special Exception:
    a. **Use C-12.** Radio or Television Transmission Tower.
    b. **Use G-5.** Mobile home park consisting of any combination of single width or multiple width units.

23. The following accessory uses on the same lot which are with and customarily incidental to any of the above permitted uses and as provided for in Article IV herein:

    a. **Use A-2.** Non-Residential Accessory Structure

    b. **Use A-4.** Commercial Vehicle

    c. **Use A-5.** Antenna Systems

    d. **Use A-6.** Fences and Walls

    e. **Use A-8.** Storage (Outdoor)

    f. **Use A-11.** Commercial Accessory Apartment

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g. **Use A-12.** Drive-through Facility

h. **Use A-17.** Accessory Service Station

i. **Use B-19.** Parking Lot.

j. **Use C-21.** Microbrewery/Microdistillery/Microwinery

§295-1102. DIMENSIONAL STANDARDS

A. **Minimum Lot Area and Width.** A lot area of not less than two (2) acres and a lot width of not less than 200 feet at the street line and extending from the street line to the depth of the rear yard shall be provided for every building or group of buildings hereafter erected, altered, or used in this district.

B. **Maximum Impervious Area.** No more than 65% of the total lot area shall be covered with impervious surfaces.

C. **Minimum Green Area.** Not less than 35% of the total lot area must be grass or landscaped.

D. **Minimum Building Setback.** Buildings shall be set back a minimum of forty (40) feet from any ultimate street right-of-way, or forty (40) feet from any other property line for the entire perimeter of the property.

E. **Minimum Parking Setback.** Parking areas shall be set back a minimum of ten (10) feet from the ultimate street right-of-way or property line for the entire perimeter of the property. Parking and loading areas shall meet all applicable requirements of the Parking and Loading section of the Zoning chapter, except Section 295--2501.C.5, Location of Surface Parking, which shall not apply within this district.

F. **Minimum Landscaped Buffer to Residential Districts.** All commercial site development must be set back a minimum of forty (40) feet from any adjacent residential property line. Buffers adjacent to a residential use shall be continuously screened by a combination of a 6-foot high wall/fence and screen plantings. Use of native species is encouraged; invasive species identified by the Township shall be prohibited. Screen plantings shall include:

1. A mix of evergreen and deciduous trees with a mature height of at least 25 feet, planted in a staggered row along the property line.

2. A mix of evergreen and deciduous shrubs with a mature height of at least 4 feet, planted in a staggered row along the property line.

3. Ornamental plantings, grass, or other landscaping between property line buffer plantings and the closest building or curb.

G. **Maximum Building Height.** No building shall exceed fifty (50) feet in height, except as permitted herein. Hotels and mixed-use buildings shall be permitted to have a height of up to one-hundred-and-twenty (120) feet or ten (10) stories, whichever is less.

§295-1103. DESIGN STANDARDS

A. Architectural design standards have been incorporated into this district to ensure that the size and proportions of new development create a pedestrian-friendly shopping environment at the street level within and around the project. Requirements in this section apply to all building facades.

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1. **Building Massing.** The massing of all buildings shall be de-emphasized in a variety of ways to enhance the visual quality of the development and contribute to a human-scaled environment at the street level. Large buildings shall include vertical and horizontal elements such as façade jogs, towers, balconies, bays, roof gables, and dormers to create the appearance of smaller-scale buildings. All buildings shall feature a proportionate and distinct base, middle, and top. Multi-story buildings shall articulate the line between the ground and upper levels with a cornice, canopy, arcade, balcony, material change, or similar three-dimensional visual device.
2. **Outdoor Spaces around Buildings.** Buildings shall include elements such as courtyards, balconies, arcades, terraces, and plazas to create and interact with pedestrian-oriented outdoor spaces.
3. **Façade Articulation and Composition.** The façade(s) of buildings fronting on public streets and public parking areas shall include design elements to break up the appearance of blank walls, such as awnings, setbacks, window bays, and other vertical elements and openings. Setbacks shall be of a depth adequate to create visually distinct sections of the building. Individual storefronts shall be defined and articulated through distinct architectural elements, provided that all storefronts in a building or related group of buildings create an architecturally cohesive whole.
4. **Building Entrances.** Principal buildings shall have clearly defined, highly visible customer entrances, accentuated with appropriate architectural features, lighting and landscaping elements. All public entrance doors shall be at least 50% transparent.
5. **Windows.** The ground floor of all building facades fronting on a public street or public parking area shall be at least 50% clear windows and doors. At least 50% of each window surface shall be fully transparent. Every storefront shall include at least one display window that allows customers to see activity and lights inside the building. Windows on upper floors or any upper tier of windows on a building's façade shall be vertically aligned with the location of windows and doors on the ground floor to the greatest extent.
6. **Architectural Consistency.** Any property with more than one building on the site shall have a common and coherent architectural theme throughout the development. New development is encouraged to be compatible with surrounding existing development.
7. **Shopping centers and malls exceeding 100,000 square feet shall also meet the following standards:**
   a. Ground floor facades that face public streets or public parking areas shall have display windows, awnings, arcades, or other such features along not less than 60% of their horizontal length.

   b. All sides of a shopping center or mall that front on a public parking area or public street shall have at least one customer entrance that is clearly defined by architecture and landscaping.

8. **Exterior Lighting.** All exterior lighting shall be designed to prevent glare onto adjacent properties. Pedestrian pathways outside of buildings need to be clearly marked and well lit. Lighting shall be sufficient for safety, security and identification without allowing light to trespass onto adjacent sites. The height of fixtures shall be 24 feet for parking lots and a maximum of 16 feet for pedestrian walkways.

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ARTICLE XII

C2 COMMERCIAL DISTRICTS

§295-1200. LEGISLATIVE INTENT

A. In expansion of the Declaration of Legislative Intent and the Statement of Community Development Objectives found in Article I of this Chapter, the intent of the C2 Commercial District is to:

1. Encourage a broad range of commercial uses in the Township that will serve residents and complement existing businesses.
2. Provide appropriate locations in the Township for neighborhood-scale commercial developments such as shopping centers, services, offices, auto-oriented businesses and other uses that rely traditionally on vehicular access and parking.
3. Provide regulations to minimize congestion and ensure safe traffic conditions within and near commercial centers.
4. Allow existing commercial properties to be appropriately redeveloped.
5. Encourage commercial development design that will reflect community identity and protect the character and property values of adjacent and nearby neighborhoods.
6. Provide safe and attractive access to shopping areas for pedestrians and provide for convenient use of public transit and bicycles.
7. Minimize the impacts of commercial parking and loading areas and buildings with mitigation measures such as landscaping, fencing, and buffering between commercial uses and neighboring residences.
8. Promote the principals of sustainable development by encouraging energy efficient buildings, environmentally sensitive site design, and walkable shopping districts.

§295-1201. PERMITTED USES

A. A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other, subject to the guidelines herein:

1. **Class One Uses Permitted By Right.** The following uses are permitted by-right, and shall not include **A-12: Drive-Through Facility** as an accessory use:

   a. **Use B-3.** Banks and financial institutions

   b. **Use B-4.** Bed and Breakfast, provided that the owner of the Bed and Breakfast lives in the building as a primary residence and operates the guest facilities. Bed and Breakfasts shall not have more than seven (7) guest rooms, and guest rooms shall not have separate kitchen facilities.

   c. **Use B-7.** Clubs or fraternal organizations.

   d. **Use B-8.** Commercial School.

   e. **Use B-10.** Dry Cleaner (drop-off only).

DRAFT

f. **Use B-14**. Funeral Home.

g. **Use B-16.** Laundry (self-service).

h. **Use B-17.** Mixed-Use Buildings.

i. **Use B-20.** Personal care business, including but not limited to: barbershop and/or hair salon, nail salon, spa, and tanning salon.

j. **Use B-21.** Professional service business, including but not limited to: insurance offices, printing and copy centers, mailbox rental, shipping and parcel delivery services, and picture framing

k. **Use B-25.** Restaurants, to include outdoor dining facilities.

l. **Use B-26.** Retail Take-Out Foods.

m. **Use B-28.** Retail stores offering a variety of goods, including but not limited to: clothing, shoes, hardware, appliances, furniture, jewelry, electronic equipment, and sporting goods.

n. **Use B-29.** Supermarkets.

o. **Use B-34.** Studios for dance, art, music, photography, yoga, or similar arts.

p. **Use B-35.** Bars or taverns.

q. **Use B-36.** Veterinary clinic

r. **Use B-38.** Pet Grooming.

s. **Use D-4.** Adult/child day care

t. **Use D-9.** Municipal Building

u. **Use E-5.** Professional services.

v. **Use G-1.** Apartment Building/Multiplex Unit, permitted only as a part of **Use B-17: Mixed Use Building.**

w. **Use H-2.** Emergency services facilities, including but not limited to ambulance and fire stations.

x. The following accessory uses on the same lot which are with and customarily incidental to any of the above permitted uses and as provided for in Article IV herein:

I. **Use A-2.** Non-Residential Accessory Structure.

II. **Use A-4.** Commercial Vehicle.

III. **Use A-5.** Antenna Systems.

IV. **Use A-6.** Fences and Walls.

DRAFT

V. **Use A-8.** Storage (Outdoor).

VI. **Use A-11.** Commercial Accessory Apartment.

VII. **Use B-19.** Parking Lot.

VIII. **Use C-21.** Microbrewery/Microdistillery/Microwinery.

2. **Class Two Uses Permitted By Right.** In addition to all of the preceding Class One uses, the following uses are permitted by right on lots with a minimum of 30,000 square feet of lot area and one hundred feet (100') of lot width at the building line.

   a. **Use B-1.** Automotive Sales.

   b. **Use B-2.** Automotive Service.

   c. **Use B-5.** Building Materials.

   d. **Use B-23.** Rental Agencies (Vehicles).

   e. **Use B-30.** Service Stations.

   f. **Use B-31.** Shopping Centers.

   g. **Use F-1.** Amusement arcades.

   h. **Use F-2.** Athletic/health clubs and other exercise facilities greater than 8,000 square feet of floor area.

   i. **Use F-6.** Indoor recreation facilities.

   j. The following accessory uses on the same lot which are with and customarily incidental to any of the above permitted uses and as provided for in Article IV herein:

      I. **Use A-2.** Non-Residential Accessory Structure.

      II. **Use A-4.** Commercial Vehicle.

      III. **Use A-5.** Antenna Systems.

      IV. **Use A-6.** Fences and Walls.

      V. **Use A-8.** Storage (Outdoor).

      VI. **Use A-11.** Commercial Accessory Apartment.

      VII. **Use A-12.** Drive-Through Facility.

      VIII. **Use A-17.** Accessory Service Station.

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IX. **Use B-19.** Parking Lot.

X. **Use C-21.** Microbrewery/Microdistillery/Microwinery

3. **Uses Permitted by Special Exception.**

   a. Billboards.

      I. Billboards shall only be permitted on lots fronting on Ogontz Avenue or Limekiln Pike in the C2 Commercial District.

      II. Maximum permitted size of any billboard shall be three hundred (300) square feet.

      III. Each freestanding billboard shall be located not less than 500 feet from any other billboard and not less than 200 feet from a residential zoning district, nor shall it overhang any public right-of-way.

   b. **Use C-12.** Radio and Television Transmission Tower, subject to all Class Two Use provisions in this Article.

§295-1202. DIMENSIONAL STANDARDS

A. **Class One Uses Permitted By Right.** Lots proposed for Class One uses must meet the following dimensional requirements:

1. **Minimum Lot Area and Width.** A lot area of not less than 2500 square feet and a lot width of not less than 25 feet at the street line and extending from the street line to the depth of the rear yard shall be provided for every building or group of buildings hereafter erected, altered, or used in this district.

2. **Maximum Building Coverage.** No more than 60% of the total lot area shall be covered with buildings.

3. **Maximum Impervious Coverage.** No more than 85% of the total lot area shall be covered with impervious surfaces.

4. **Minimum Green Area.** Not less than 15% of the total lot area must be grass or landscaped.

5. **Minimum Building Setbacks:**

   a. **Front Yard.** There shall be a front yard the depth of which shall be at least fifteen (15) feet, provided that, in the case of a lot extending through from one street to another, the street lines of which are not more than 150 feet apart, the depth of the front yard on the rear street line may be decreased when authorized as a special exception. In the case of a corner lot, a front yard shall be required on each street on which the lot abuts, provided that, in the case of a corner lot held in single and separate ownership at the effective date of this chapter of a width less than 50 feet,

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the depth of the front yard on the long side may be decreased when authorized as a special exception.

b. **Side Yard(s).** There shall be two side yards, one on each side of the principal building, each at least 8 feet wide, provided that, in the case of a lot held in single and separate ownership at the effective date of this chapter of a width of less than 50 feet, a building may be built thereon with side yards of less width when authorized as a special exception. If a building is over 40 feet high, the width of both side yards shall be increased five feet for each 12 feet, or portion thereof, by which the building exceeds 40 feet in height.

c. **Rear yard.** There shall be a rear yard, the depth of which shall be at least 25 feet, provided that, in the case of a lot held in single and separate ownership at the effective date of this chapter of a depth less than 100 feet, the depth of the rear yard may be decreased to not less than 15 feet.

6. **Maximum Building Height.** No building shall exceed fifty (50) feet in height.

7. **Minimum Parking Setback.** Parking areas shall be set back a minimum of ten (10) feet from the ultimate street right-of-way or property line for the entire perimeter of the property. Parking and loading areas shall meet all applicable requirements of the Parking and Loading section of the Zoning chapter.

8. **Minimum Landscaped Buffer to Residential Districts.** There shall be maintained a buffer area, except where a public right-of-way intervenes, the depth of which shall be at least twenty five (25') feet measured from the district boundary line on a lot area of not more than 5,000 square feet. For each additional 1,000 square feet of lot area, there shall be an additional foot of depth of buffer area up to 15,000 square feet; thereafter, for each additional 1,000 square feet of lot area, there shall be one-half (1/2) foot of depth of buffer area required. Buffers adjacent to a residential use shall be continuously screened by a combination of a 6-foot high solid wall/fence and screen plantings. Use of native species is encouraged; invasive species identified by the Township shall be prohibited. Screen plantings shall include a mix of evergreen and deciduous trees and shrubs, and may include non-invasive vines, ornamental plantings, and grasses.

9. **Minimum Green Area.** A green area shall be required and maintained. This area shall be not less than two and one-half per centum (2 1/2%) for a lot area of not more than 5,000 square feet. For each additional 1,000 square feet of lot area, there shall be an additional one and one-half per centum (1 1/2%) of green area provided up to 15,000 square feet; thereafter, the green area shall include not less than 13% of the lot area. Vehicular parking shall not be permitted within 10 feet of any street line, and this area shall be landscaped, except that no more than two driveways shall be constructed across this area, neither of which shall exceed 20 feet in width.

B. **Class Two Uses Permitted By Right.** Lots proposed for Class Two uses must meet the following dimensional requirements:

1. **Minimum Lot Area and Width.** A lot area of not less than 30,000 square feet and a lot width of not less than 125 feet at the street line and extending from the street line to the depth of the rear yard shall be provided for every building or group of buildings hereafter erected, altered, or used in this district.

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2. **Maximum Building Coverage.** No more than 50% of the total lot area shall be covered with buildings.

3. **Maximum Impervious Coverage.** No more than 65% of the total lot area shall be covered with impervious surfaces.

4. **Minimum Green Area.** Not less than 35% of the total lot area must be grass or landscaped.

5. **Minimum Building Setbacks:**

   a. **Front Yard.** There shall be a front yard the depth of which shall be at least twenty-five (25) feet, provided that, in the case of a lot extending through from one street to another, the street lines of which are not more than 150 feet apart, the depth of the front yard on the rear street line may be decreased when authorized as a special exception.

   b. **Side Yard(s).** There shall be two side yards, one on each side of the principal building, each at least fifteen (15) feet wide, provided that, in the case of a lot held in single and separate ownership at the effective date of this chapter of a width of less than 100 feet, a building may be built thereon with side yards of less width when authorized as a special exception. If a building is over 40 feet high, the width of both side yards shall be increased five feet for each 12 feet, or portion thereof, by which the building exceeds 40 feet in height.

   c. **Rear yard.** There shall be a rear yard, the depth of which shall be at least 25 feet, provided that, in the case of a lot held in single and separate ownership at the effective date of this chapter of a depth less than 100 feet, the depth of the rear yard may be decreased to not less than 15 feet.

6. **Maximum Building Height.** No building shall exceed fifty (50) feet in height.

7. **Minimum Parking Setback.** Parking areas shall be set back a minimum of ten (10) feet from the ultimate street right-of-way or property line for the entire perimeter of the property. Parking and loading areas shall meet all applicable requirements of the Parking and Loading section of the Zoning chapter, except Section 295--2501.C.5, in "Location of Surface Parking," which shall not apply to Class Two uses within this district.

8. **Minimum Landscaped Buffer to Residential Districts.** There shall be maintained a buffer area, except where a public right-of-way intervenes, the depth of which shall be at least eight (8) feet measured from the district boundary line on a lot area of not more than 30,000 square feet. For each additional 1,000 square feet of lot area, there shall be an additional foot of depth of buffer area up to 15,000 square feet; thereafter, for each additional 1,000 square feet of lot area, there shall be one-half (1/2) foot of depth of buffer area required. Buffers adjacent to a residential use shall be continuously screened by a combination of a 6-foot high solid wall/fence and screen plantings. Use of native species is encouraged; invasive species identified by the Township shall be prohibited. Screen plantings shall include a mix of evergreen and deciduous trees and shrubs, and may include non-invasive vines, ornamental plantings, and grasses.

9. **Minimum Green Area.** A green area shall be required and maintained. This area shall be not less than two and one-half per centum (2 1/2%) for a lot area of not more than

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30,000 square feet. For each additional 1,000 square feet of lot area, there shall be an additional one and one-half per centum (1 1/2%) of green area provided up to 15,000 square feet; thereafter, the green area shall include not less than 13% of the lot area. Vehicular parking shall not be permitted within 10 feet of any street line, and this area shall be landscaped, except that no more than two driveways shall be constructed across this area, neither of which shall exceed 20 feet in width unless a greater width is permitted as a special exception for properties used as a **Use B-30: Service Station**.

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ARTICLE XIII
MU1 MIXED-USE DISTRICTS

§295-1300. LEGISLATIVE INTENT

A. In expansion of the Declaration of Legislative Intent and the Statement of Community Development Objectives found in Article I of this Chapter, the intent of the MU1 Mixed Use District is to:

1. Encourage economic development through the establishment of flexible standards that maintain the traditional main street environment and the community's unique identity.
2. Encourage lively activity areas and gathering places for the community through encouraging a mix of uses.
3. Promote the reuse of existing structures in a manner that maintains the visual character and architectural scale.
4. Ensure that new buildings, additions, and renovations are in keeping with and enhance the surrounding streetscape.
5. Establish a walkable community by promoting a pedestrian orientation of streets and buildings and providing a safe and convenient interconnected sidewalk network.
6. Accommodate parking in a convenient matter that does not take away from the rhythm of the street.
7. Encourage development of new buildings located adjacent to transit.

§295-1301. PERMITTED USES

A. A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other, subject to the guidelines herein:

1. **Use B-3**. Bank or financial institution.
2. **Use B-4.** Bed and breakfast inn and bed and breakfast house.
3. **Use B-9.** Convenience store.
4. **Use B-13.** Farmer's market.
5. **Use B-15.** Hotel.
6. **Use B-17.** Mixed-Use Buildings.
7. **Use B-20.** Personal care business, including but not limited to: barbershop and/or hair salon, nail salon, spa, and tanning salon.
8. **Use B-21.** Professional services business, including but not limited to: shoe repair, tailor, insurance offices, printing and copy centers, mailbox rental, shipping and parcel delivery services, and picture framing.
9. **Use B-25.** Restaurants, to include outdoor dining facilities.
10. **Use B-26.** Retail Take-Out Foods.
11. **Use B-27.** Retail shops offering a variety of goods, including but not limited to: clothing, shoes, hardware, appliances, furniture, jewelry, electronic equipment, and sporting goods, but excluding drive-through facilities.

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12. **Use B-34.** Studios for dance, art, music, photography, yoga, or similar arts.
13. **Use B-35.** Bars or taverns.
14. **Use B-38.** Pet Grooming.
15. **Use D-3.** Community center.
16. **Use D-8.** Library or museum.
17. **Use D-9.** Municipal Building.
18. **Use D-13.** Art Gallery.
19. **Use E-5.** Professional services.
20. **Use F-4.** Movie theater.
21. **Use F-5.** Outdoor recreation.
22. **Use F-7.** Public grounds.
23. **Use F-8.** Theater (performing).
24. **Use G-1.** Apartment Building/Multiplex Unit, permitted only as a part of **Use B-17: Mixed Use Building.**
25. **Use H-3.** Utility operating facility.

A. The following accessory uses on the same lot which are with and customarily incidental to any of the above permitted uses and as provided for in Article IV herein:

1. **Use A-1.** Residential Accessory Structure
2. **Use A-3.** Recreational Vehicles
3. **Use A-5.** Antenna Systems
4. **Use A-6.** Fences and Walls
5. **Use A-8.** Storage (Outdoor)
6. **Use A-9.** Swimming Pool
7. **Use A-10.** Tennis/Sport Courts
8. **Use A-13.** No-Impact Home-Based Business
9. **Use A-16**. Fowl/Poultry
10. **Use B-19.** Parking Lot.
11. **Use C-21.** Microbrewery/Microdistillery/Microwinery

§295-1302. DIMENSIONAL STANDARDS

A. **Minimum Lot Area and Width.** A lot area of not less than 2500 square feet and a lot width of not less than 25 feet at the street line and extending from the street line to the depth of

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the rear yard shall be provided for every building or group of buildings hereafter erected, altered, or used in this district.

B. **Maximum Building Coverage.** No more than 60% of the total lot area shall be covered with buildings.

C. **Maximum Impervious Coverage.** No more than 85% of the total lot area shall be covered with impervious surfaces.

D. **Minimum Green Area.** Not less than 15% of the total lot area must be grass or landscaped.

E. **Building Setbacks:**

1. **Front Yard.** Buildings shall be built to the sidewalk. A landscaped courtyard may be provided in front of a building, provided that it does not exceed twenty feet (20') in depth, and provided that it includes either outdoor dining facilities or a public seating area which includes benches and planters. If both of the adjacent structures are set back from the sidewalk, then a proposed building may match the setback of one or both of the adjacent structures.

2. **Side Yard(s).** There shall be two side yards, one on each side of the principal building, each at least 5 feet wide, provided that, in the case of a lot held in single and separate ownership at the effective date of this chapter of a width of less than 50 feet, a building may be built thereon with side yards of less width when authorized as a special exception.

3. **Rear yard.** There shall be a rear yard, the depth of which shall be at least 25 feet, provided that, in the case of a lot held in single and separate ownership at the effective date of this chapter of a depth less than 100 feet, the depth of the rear yard may be decreased to not less than 15 feet.

F. **Minimum Building Height.** All proposed buildings shall have a minimum height of 2 stories.

G. **Maximum Building Height.** The maximum height of buildings shall be 3 stories or 45 feet. Building height may be increased to a maximum of 4 stories and 60 feet within one thousand foot (1000') radius of a regional rail station.

H. **Maximum Building Length.** Front facades of buildings which face a street shall have a maximum length of one hundred feet (100').

I. **Minimum Parking Setback.** Parking areas shall be located to the rear or side of all principal buildings. In all cases, parking areas shall be set back a minimum of ten (10) feet from the ultimate street right-of-way or property line for the entire perimeter of the property. Parking and loading areas shall meet all applicable requirements of the Parking and Loading section of the Zoning chapter.

J. **Minimum Landscaped Buffer to Residential Districts.** There shall be maintained a buffer area, except where a public right-of-way intervenes, the depth of which shall be at least eight (8) feet measured from the district boundary line on a lot area of not more than 5,000 square feet. For each additional 1,000 square feet of lot area, there shall be an additional foot of depth of buffer area up to 15,000 square feet; thereafter, for each additional 1,000 square feet of lot area, there shall be one-half (1/2) foot of depth of buffer area required. Buffers adjacent to a residential use shall be continuously screened by a combination of a 6-foot high solid wall/fence and screen plantings. Use of native species is encouraged; invasive species identified by the Township shall be prohibited. Screen plantings shall

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include a mix of evergreen and deciduous trees and shrubs, and may include non-invasive vines, ornamental plantings, and grasses.

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ARTICLE XIV

MU2 MIXED-USE DISTRICTS

§295-1400. LEGISLATIVE INTENT

A. In expansion of the Declaration of Legislative Intent and the Statement of Community Development Objectives found in Article I of this Chapter, the intent of the MU2 Mixed Use District is to:

1. Encourage economic development through the establishment of flexible standards that maintain the traditional residential nature of the districts.
2. Encourage limited commercial and business uses in existing residential structures.
3. Ensure that new buildings, additions, and renovations are in keeping with and enhance the surrounding streetscape.
4. Establish a walkable community by promoting a pedestrian orientation of streets and buildings and providing a safe and convenient interconnected sidewalk network.
5. Accommodate parking in a convenient matter that does not take away from the rhythm of the street.
6. Regulate non-residential uses to protect and preserve existing neighborhoods.

§295-1401. PERMITTED USES

A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other, subject to the guidelines herein:

A. Residential uses meeting the standards of the R-3 residential district (**Uses G-3, G-6, G-7,** and **G-8**).

B. **Use B-3.** Bank or financial institution.

C. **Use B-4.** Bed and breakfast inn and bed and breakfast house**.**

D. **Use B-17.** Mixed-Use Buildings.

E. **Use B-20.** Personal care business.

F. **Use B-21.** Professional services business.

G. **Use B-25.** Restaurants, not to include outdoor dining facilities.

H. **Use B-27.** Retail shops

I. **Use B-34.** Studios for dance, art, music, photography, yoga, or similar arts.

J. **Use E-5.** Professional services.

K. **Use G-1.** Apartment Building/Multiplex Unit, permitted only as a part of **Use B-17: Mixed Use Building.**

L. The following accessory uses on the same lot which are with and customarily incidental to any of the above permitted uses and as provided for in Article IV herein:

1. **Use A-1.** Residential Accessory Structure.

DRAFT

2. **Use A-3.** Recreational Vehicles.

3. **Use A-5.** Antenna Systems.

4. **Use A-6.** Fences and Walls.

5. **Use A-7.** Home Occupation.

6. **Use A-8.** Storage (Outdoor).

7. **Use A-9.** Swimming Pool.

8. **Use A-10.** Tennis/Sport Courts.

9. **Use A-13.** No-Impact Home-Based Business.

10. **Use A-16**. Fowl/Poultry.

11. **Use B-19**. Parking Lot.

12. **Use C-21.** Microbrewery/Microdistillery/Microwinery.

§295-1402. DIMENSIONAL STANDARDS

A. **Minimum Lot Area and Width.** A lot area of not less than 7,500 square feet and a lot width of not less than 50 feet at the street line and extending from the street line to the depth of the rear yard shall be provided for every building or group of buildings hereafter erected, altered, or used in this district.

B. **Maximum Building Coverage.** No more than 45% of the total lot area shall be covered with buildings.

C. **Maximum Impervious Coverage.** No more than 65% of the total lot area shall be covered with impervious surfaces.

D. **Minimum Green Area.** Not less than 35% of the total lot area must be grass or landscaped.

E. **Building Setbacks:**

1. **Front Yard.** There shall be a front yard, the depth of which shall be at least 40 feet. If both of the adjacent structures are closer than 40 feet from sidewalk, then a proposed building may match the setback of one or both of the adjacent structures, provided that the resulting front yard is not less than 15 feet.

2. **Side Yard(s).** There shall be two side yards, one on each side of the principal building, each at least 8 feet wide, and the combined total of both side yards shall be not less than 20 feet.

3. **Rear yard.** There shall be a rear yard, the depth of which shall be at least 25 feet, provided that, in the case of a lot held in single and separate ownership at the effective date of this chapter of a depth less than 100 feet, the depth of the rear yard may be decreased to not less than 15 feet.

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F. **Minimum Building Height.** All proposed buildings shall have a minimum height of 2 stories.

G. **Maximum Building Height.** The maximum height of buildings shall be 3 stories or 35 feet.

H. **Minimum Parking Setback.** Parking areas shall be located to the rear or side of all principal buildings. In all cases, parking areas shall be set back a minimum of ten (10) feet from the ultimate street right-of-way or property line for the entire perimeter of the property. Parking and loading areas shall meet all applicable requirements of the Parking and Loading section of the Zoning chapter.

I. **Minimum Landscaped Buffer to Residential Districts.** There shall be maintained a buffer area, except where a public right-of-way intervenes, the depth of which shall be at least eight (8) feet measured from the district boundary line. Buffers adjacent to a residential use shall be continuously screened by a combination of a 6-foot high solid wall/fence and screen plantings. Use of native species is encouraged; invasive species identified by the Township shall be prohibited. Screen plantings shall include a mix of evergreen and deciduous trees and shrubs, and may include non-invasive vines, ornamental plantings, and grasses.

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ARTICLE XV

MU3 MIXED USE DEVELOPMENT DISTRICT

§295-1500. LEGISLATIVE INTENT

A. In expansion of the Declaration of Legislative Intent and the Statement of Community Development Objectives found in Article I of this Chapter, the intent of this Mixed Use District is to:

1. Provide for greater flexibility throughout the township to provide office, research, and mixed-use areas uses.
2. Encourage a more creative, varied, efficient, attractive and economical development pattern.
3. Provide an effective means of responding to site conditions, including reuse of historic properties, in a manner consistent with the Township development.
4. Promote good design that encourages development that is consistent with the architectural and social character of surrounding areas.
5. Improve public safety and mitigate the traffic conflicts caused by larger nonresidential development.
6. Promote a walkable community with pedestrian-oriented buildings and open space that connects to nearby destinations.
7. Create and support lively, human-scaled activity areas and gathering places for the community by encouraging civic uses, plazas, and a mix of uses.
8. Promote and provide for the adaptive re-use of buildings that are historic resources and of properties with significant character, uses and development.
9. Preserve and promote the use of such historic resources and other land and buildings for cultural and artistic purposes.
10. Integrate new development and adaptive re-use into an existing community, transitions between lower and higher density uses, and accomplishes such goals by allowing a mix of compatible uses that provide for community-benefitting services as well as a variety of living opportunities.

§295-1501. PERMITTED USES

A. **Class One Uses Permitted by Special Exception**. A building may be erected or used and a lot may be used or occupied for the following uses, provided that comply with the Special Exception Standards of Section 1502:

1. **Use B-4.** Bed and Breakfast.

2. **Use B-12:** Event Facility.

3. **Use B-15.** Hotel/Inn. The following accessory uses to **B-15** are permitted provided the accessory uses (in total) are equal to 15 percent or less of the total gross floor area:

a. **Use B-3.** Bank or financial institution.

b. **Use B-12.** Event Facility.

c. **Use B-20.** Personal Care Business.

d. **Use B-21.** Personal Service Business.

e. **Use B-25.** Restaurant**.**

f. **Use B-27.** Retail Shop.

g. **Use B-34.** Studio for Dance, Art, Music, Yoga, Martial Arts, Etc.

h. **Use B-35.** Tavern/Bar.

i. **Use B-38.** Pet Grooming

4. **Use B-17.** Mixed Use Building.
5. **Use B-18.** Parking Garage, in accordance with section 2301.G.
6. **Use B-25.** Restaurant.
7. **Use B-34.** Studio for dance, art, music, photography, yoga, martial arts, or similar arts.
8. **Use C-13.** Research facility.
9. **Use C-20.** Microbrewery/Microdistillery/Microwinery.
10. **Use D-3.** Community Center.
11. **Use D-4.** Adult/Child Day Care.
12. **Use D-8.** Library or museum.
13. **Use D-9.** Municipal Building.
14. **Use D-13.** Art Gallery.
15. **Use E-1.** Office Building.
16. **Use E-4.** Office Campus.
17. **Use E-5.** Professional Services.
18. **Use F-4.** Movie Theater.
19. **Use F-8.** Theater (Performing).
20. **Use F-2.** Athletic/Health Club.
21. **Use F-6.** Indoor Recreation.

DRAFT

22. **Use F-5.** Outdoor Recreation

23. **Use F-7.** Public Grounds

24. **Use H-1.** Conservation/Recreation facility

25. The following accessory uses on the same lot which are with and customarily incidental to any of the above permitted uses and as provided for in Article IV herein:

    I. **Use A-1.** Residential Accessory Structure.

    II. **Use A-3.** Recreational Vehicles.

    III. **Use A-5.** Antenna Systems.

    IV. **Use A-6.** Fences and Walls.

    V. **Use A-8.** Storage (Outdoor).

    VI. **Use A-9.** Swimming Pool.

    VII. **Use A-10.** Tennis/Sport Courts.

    VIII. **Use A-13.** No-Impact Home-Based Business.

    IX. **Use A-16**. Fowl/Poultry.

    X. **Use B-19.** Parking Lot.

    XI. **Use C-21.** Microbrewery/Microdistillery/Microwinery.

25. Prohibited Uses. The following uses, as well as any use not specifically permitted, are prohibited:

    a. **Use A-12.** Drive-through Facility.

    b. **Use A-17.** Accessory Service Station.

    c. **Use B-1.** Automotive Sales.

    d. **Use B-2.** Automotive Service.

    e. **Use B-31.** Service Station.

B. **Class Two Use Permitted by Special Exception**. The following uses are permitted on tracts ten (10) acres or greater, and having at least two hundred (200') feet of frontage on a roadway classified as a major collector or higher, provided they comply with the Special Exception Standards of Section 1503:

1. Mixed Use Development, in compliance with the standards herein and consisting of the following uses and no others:

    a. Office, entertainment, institutional and related uses, as listed below:

DRAFT

I. **Use B-3.** Bank.

II. **Use B-4.** Bed and Breakfast.

III. **Use B-12:** Event Facility.

IV. **Use B-15.** Hotel.

V. **Use D-3.** Community Center.

VI. **Use D-4.** Adult/Child Day Care.

VII. **Use D-8.** Library or museum.

VIII. **Use D-9.** Municipal Building.

IX. **Use D-13.** Art Gallery.

X. **Use E-1.** Office Building.

XI. **Use E-5.** Professional Services.

XII. **Use F-4.** Movie Theater.

XIII. **Use F-8.** Theater (Performing).

b. Retail, restaurant, and related uses, as listed below:

I. **Use B-9.** Convenience Store.

II. **Use B-21.** Personal Service Business.

III. **Use B-25.** Restaurant.

IV. **Use B-27.** Retail Shop.

V. **Use B-28.** Retail Store.

VI. **Use B-34.** Studio for dance, art, music, photography, yoga, martial arts, or similar arts.

VII. **Use C-20.** Microbrewery/Microdistillery/Microwinery.

VIII. **Use F-2.** Athletic/Health Club.

IX. **Use F-6.** Indoor Recreation

c. **Use B-18.** Parking Garage, in accordance with section 2401.G.

d. **Use F-5.** Outdoor Recreation

e. **Use F-7.** Public Grounds

DRAFT

f. **Use G-1.** Apartment Building/Multiplex Unit. Dwellings may be permitted on the first floor, provided that the apartment units are not located on a block or across the street from a block that is primarily comprised of existing or proposed retail and related uses, as listed in section 1502.C.1.b, on the first floor.

g. **Use G-7:** Townhouse Dwelling Unit**, Use G-8:** Twin Houses**, and/or Use G-9:** Village Dwelling Unit, provided that:

I. They are not located on a block or across the street from a block that is primarily comprised of existing or proposed retail and related uses, as listed in section 1502.C.1.b, on the first floor.

II. The townhouses, twins, and/or village dwelling units are not located on a collector or higher classification street.

h. **Use H-1.** Conservation/Recreation facility

i. The following accessory uses on the same lot which are with and customarily incidental to any of the above permitted uses and as provided for in Article IV herein:

I. **Use A-1.** Residential Accessory Structure.

II. **Use A-3.** Recreational Vehicles.

III. **Use A-5.** Antenna Systems.

IV. **Use A-6.** Fences and Walls.

V. **Use A-9.** Swimming Pool.

VI. **Use A-10.** Tennis/Sport Courts.

VII. **Use A-13.** No-Impact Home-Based Business.

VIII. **Use A-16**. Fowl/Poultry.

IX. **Use B-19.** Parking Lot.

X. **Use C-21.** Microbrewery/Microdistillery/Microwinery.

j. Prohibited Uses. The following uses, as well as any use not specifically permitted, are prohibited:

I. **Use A-12.** Drive-through Facility.

II. **Use A-17.** Accessory Service Station.

III. **Use B-1.** Automotive Sales.

IV. **Use B-2.** Automotive Service.

DRAFT

V. **Use B-31.** Service Station.

§295-1502. CLASS ONE SPECIAL EXCEPTION STANDARDS

A. The following general standards shall apply to all Class One developments in this district.

1. The tract of land to be developed shall be held by one owner or shall be the subject of an application filed jointly by the owners of the entire tract, and it shall be agreed that the tract will be developed under single direction and completely in accordance with the approved plan.

2. All development shall be served by public water and sewer facilities deemed acceptable by the Zoning Hearing Board, upon recommendation by the Township Engineer.

3. Site Master Plan. All properties proposed for development shall be developed in accordance with a master plan that has been approved by the Zoning Hearing Board that meets the following requirements:

   a. Master plans shall be prepared when any property, existing at the time of adoption of this ordinance, is initially proposed for subdivision or land development. Subdivided properties that are intended to be developed at a later date shall be subject to this initial master plan.

   b. Master plans shall meet the tentative sketch plan requirements of the Cheltenham Subdivision and Land Development Ordinance.

   c. Master plans shall show all proposed buildings, land uses, lots, streets, open space, traffic circulation, landscaping, parking, and a conceptual or narrative plan for stormwater management for the entire tract.

   d. Final plans approved for development by the township shall be substantially similar to the master plan as presented to the township. The applicant must define and demonstrate the differences between the master site plan and any proposed final plan.

   e. Master plans shall be updated and submitted to the township when any new subdivision or land development is proposed. If no changes to the previously submitted master plan are made or planned, the previous master plan may be resubmitted.

B. On tracts less than seven (7) acres existing at the time of adoption of this ordinance, the following dimensional and development standards shall apply:

1. **Minimum Lot Area and Width.** A lot area of not less than one (1) acre and a lot width of not less than 100 feet at the street line and extending from the street line to the depth of the rear yard shall be provided for every building or group of buildings hereafter erected, altered, or used in this district.

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	Class One	
Minimum Gross Tract Size	1 acre, but less than 7 acres	7 acres or greater
Minimum Lot Width	100 ft	None
Maximum Building Coverage		10%
Maximum Impervious Coverage	55%	40%
Minimum Green Area	45%	60%
Minimum Building Setback	40 ft	80 ft
Minimum Parking Setback	10 ft	10 ft
Maximum Building Height	40 ft	36 ft located within 100 ft of street; 48 ft located beyond 100ft from street
Maximum Residential Density		2 du/acre

2. **Maximum Impervious Area.** No more than 55% of the total lot area shall be covered with impervious surfaces, except as permitted herein.
3. **Minimum Green Area.** Not less than 45% of the total lot area must be grass or landscaped, except as permitted herein.
4. **Minimum Building Setback.** Buildings shall be set back a minimum of forty (40) feet from any ultimate street right-of-way, or forty (40) feet from any other property line for the entire perimeter of the property.
5. **Minimum Parking Setback**. Parking areas shall be set back a minimum of ten (10) feet from the ultimate street right-of-way and property line for the entire perimeter of the property. Parking and loading areas shall meet all applicable requirements of the Parking and Loading section of the Zoning chapter.
6. **Maximum Building Height.** No building shall exceed forty (40) feet in height, except as permitted herein.
7. **Design Standards**: In order to promote attractive buildings with design that integrates into surrounding neighborhoods, the following design standards shall apply:

    a. Design Features for Large Buildings. Facades of one hundred (100') feet or more which face public streets or parking shall use at least three of the following design features to break up the façade, add visual interest, and prevent a "big-box" look. Those facades facing public streets or parking shall include at least one type of design feature listed below for each 50 feet of frontage facing a public street or public parking :
        I. Use of multiple building materials
        II. Awnings
        III. Porches

DRAFT

IV. Canopies
V. Towers
VI. Balconies
VII. Bays
VIII. Gables
IX. Planted trellises
X. Use of masonry (brick, stone or similar)
XI. Belt courses of a different texture or color (horizontal band, often of brick/stone)
XII. Projecting cornice/eaves (roof overhang)
XIII. Projecting metal canopy
XIV. Band of decorative tile
XV. Horizontal off-set of at least three feet
XVI. Window sills and lintels
XVII. Shrubbery flanking front door

b. Roofs.

I. Rooftop HVAC or other rooftop utilities - shall be screened by the roofline, parapet, or other architectural features.

II. Roofs are required to be either: (a) pitched on at least 80% of their surface with a pitch of 6 vertical to 12 horizontal, (b) have a parapet for its entire length, or (c) have a change in roof line of at least two vertical feet at least once every 50 horizontal feet. If the building is at least two stories tall it shall meet (a), (b), or (c), above, or may have a projecting cornice. All roofs shall meet the standards above for facades visible from public ways.

c. Blank Walls. In the interest of discouraging "blank walls" and promoting public safety, windows shall be located on each story of each wall facing a public way (street, sidewalk, trail, or parking area). For each wall facing a public street, minimum glazing area shall be at least 10%.

d. Facades. Building facades shall not be longer than one hundred sixty (160) feet without a minimum five (5) foot deep building offset. No building shall be longer than three hundred twenty (320) feet in length, regardless of the number of building offsets.

8. **Pedestrian Design Standards**. In order to provide safe pedestrian connectivity within the development and access to exterior destinations, pedestrian facilities shall meet the following standards:

a. Sidewalks shall be required along all road frontages

b. Sidewalks are required to connect the road frontage sidewalks to all front building entrances, parking areas, central open space, and any other destination that generates pedestrian traffic.

c. Sidewalks shall connect to interior open space features.

DRAFT

d. Sidewalks shall provide access to open space features and regional destinations outside the development, local and regional transportation centers, and existing sidewalk networks.

e. A system of paved trails proposed as part of the open space requirements may be provided as a substitute to a sidewalk network at the discretion of the Zoning Hearing Board during the Special Exception process.

9. The distance between buildings and the distance from any building to the property line shall be not less than two thirds the greatest dimension in length or depth of the largest building on the site.

10. Common Area. In order to provide gathering places and open space amenities for employees and visitors, all office campuses and any development greater than fifty thousand (50,000) square feet shall provide a common area according to the following standards:

    a. The common area may be a courtyard or plaza located outdoors of the principle building visible from entrance driveways and parking lots.

    b. The common area shall have walkways, seating, and landscaping.

    c. The total amount of common space area provided shall not be less than three (3%) percent of the gross floor area of the principle building(s) it serves, and may be divided into two separate locations when required by the Zoning Hearing Board.

    d. A minimum of two hundred (200) square feet of outdoor common area shall be provided for employees and visitors for each use.

    e. Stormwater management features, such as vegetated basins, ponds, and vegetated swales may be included as part of the landscaping in the common area.

11. Trash, Storage, and Loading shall be located to the side or rear.

12. Off-street parking, dumpster enclosures, and loading space shall be located immediately contiguous to the building served (although sidewalks and landscaped areas may be constructed between the parking and the building).

13. Buffer requirements. A minimum fifteen (15') foot wide screening buffer between the proposed office use and any new or proposed residential uses shall be required and shall include:

    a. A mix of evergreen and deciduous trees with a mature height of at least 25 feet, planted in a staggered row along the property line.

    b. A mix of evergreen and deciduous shrubs with a mature height of at least 4 feet, planted in a staggered row along the property line.

DRAFT

c. Ornamental plantings, grass, or other landscaping between property line buffer plantings and the closest building or curb.

14. Compatibility. Any new construction should be compatible with the character of significant historic structures in their massing, external treatment, and landscape features and the neighborhood in general.

15. A traffic impact study shall be required for any office campus, research facility, or conversion of a Historic Resource for any use permitted herein, in order to determine the impact of the proposed use and offer solutions to mitigate the potential negative impacts, if any, of the proposed use or uses. The traffic impact study shall be prepared by a qualified traffic engineer who possesses the credentials outlined for a Municipal Traffic Engineer as defined in Pennsylvania Code Chapter 612, as amended from time to time, entitled "A Municipal Traffic Engineering Certification". The applicant shall pay all costs associated with preparation and submission of the study.

    a. The study must demonstrate that the proposed use will not adversely affect the surrounding areas or traffic circulation generally in the Township; or else identify any traffic problems that might be caused or aggravated by the proposed use or uses and delineate solutions to those problems. Based upon the findings of the study the Township may require other improvements both onsite and offsite, which would alleviate hazardous or congested situations directly attributable to the proposed development.

    b. The traffic impact study shall include an analysis of all significant intersections within the study area extending to a minimum of one-half mile from the boundary on all roads which the traffic generated by the proposed development would be reasonably expected to utilize. Intersections greater than one-half mile away shall also be studied if deemed necessary by the Township Engineer. The traffic study shall also include an analysis of existing and proposed sidewalks and pedestrian trails.

C. On tracts of seven (7) acres of larger existing at the time of adoption of this ordinance, the following dimensional and development standards, as well as those standards of Sections 1502.B.7-12 and 14 above, shall apply:

1. Historic Preservation Standards.

    a. Deed restriction. All of the lot(s) under common ownership which contain Historic Resources shall be subjected to a deed restriction at the time of recording of the land development plan for development of the lot according to this Article, with terms written to the satisfaction of the Township Solicitor, recorded against the lot(s) stating that the pre-1930 facades, rooflines, and interiors of the Historic Resource(s) shall be preserved in perpetuity in their current or better state of repair, including but not limited to pre-1930 facades, rooflines and interiors, as further defined below, except as otherwise provided in this Article.

    b. Preservation of an Historic Resource within the meaning of this Article shall be deemed to have occurred even if any of the following circumstances exist or are proposed:

I. Any portion of the Historic Resource is, or is proposed to be, demolished which was added after 1930;

II. The building that is an Historic Resource is demolished after at least seventy-five percent (75%) of the Historic Resource is lost due to, or is duly ordered to be demolished following, a fire or other casualty loss;

III. The building that is an Historic Resource can reasonably be demonstrated to be substantially deteriorated or structurally compromised at the date of adoption of the ordinance applying the MU3 Zoning District to the Historic Resource to such a degree that it would create an unreasonable financial hardship to restore the building, in which case the building may either be demolished or restored to economic usefulness without preservation of its historic features, provided that this exception shall not apply to the building(s) which caused the designation as an Historic Resource;

IV. In order to allow for building additions and adaptation to modern uses and needs no more than two facades that are most architecturally significant and prominently visible from a public street, and including the same façade from which the public view is to be protected pursuant to Subsection 13 below, must retain their/its historical architectural appearance; or

V. Additions or alterations may be made even to protected facades in order to accommodate modern uses and the needs of owners and guests such as, but not limited to, doors and awnings, lights and signs (the latter two subject to all lighting and sign requirements of the Zoning Ordinance and the Subdivision and Land Development Ordinance) so long as such addition or alterations are historically relevant and impact the historic features as minimally as reasonably feasible.

c. The following shall be allowed in connection with preservation of Historic Resources, provided all reasonably practicable efforts to preserve the historic character and details of the exterior and interior of those subject buildings:

I. The interior of each building which is an Historic Resource may be reasonably but not substantially altered (cleaning, repair, restoration, upgrading or enhancement of the existing character of the interior of an Historic Resource shall not be considered to be an alteration and shall be permitted);

II. The applicant may make any and all alterations to the Historic Resource required by the Americans With Disabilities Act, the Pennsylvania Fire and Panic Act, the Township Fire Code and all other required fire and public safety codes, statutes, ordinances and regulations;

III. The applicant may modernize HVAC, plumbing, electrical and mechanical equipment as well as all interior alterations reasonably necessary to accomplish same;

IV. The applicant shall include a depiction of the resulting historic character and details of the exterior and interior of the building or buildings which are Historic Resources in the master plan and/or revised master plans.

DRAFT

2. **Minimum Net Lot Area for All Mixed Use Buildings and Nonresidential Uses:** No minimum lot size; however all lots must be consistent with the master plan.

3. **Minimum Lot Width for All Mixed Use Buildings and Nonresidential Uses:** No minimum lot width; however all lots must be consistent with the master plan.

4. **Maximum Building Coverage:** Building coverage shall not exceed ten percent (10%) of the total lot area.

5. **Maximum Impervious Coverage:** Impervious coverage shall not exceed forty percent (40%) of the total lot area.

6. **Maximum Residential Density.** The maximum residential density of any development shall not exceed three (2) dwelling units per gross acre.

7. **Building Setbacks:**

   a. **Front Yard.** There shall be a front yard, the depth of which shall be at least eighty (80) feet, provided that, in the case of a lot extending through from one street to another, the street lines of which are not more than one hundred fifty (150) feet apart, the depth of the front yard on the rear street line may be decreased with approval of the subdivision or land development plan. In the case of a corner lot, a front yard shall be required on each street on which the lot abuts, provided that, in the case of a corner lot held in single and separate ownership at the effective date of this chapter of a width less than one hundred (100) feet, the depth of the front yard on the long side may be decreased with approval of the subdivision or land development plan.

   b. **Side Yard (s).** There shall be two side yards, one on each side of the principal building, each at least eighty (80) feet wide.

   c. **Rear Yard.** There shall be a rear yard, the depth of which shall be at least eighty (80) feet.

8. **Minimum Green Area.** A green area and open space, perpetually landscaped and maintained, shall be required ("open space"). This area of the open space shall be not less than sixty percent (60%) of the lot area and shall include a landscaped buffer strip at least ten (10) feet wide abutting the entire perimeter of the lot, excluding driveways for ingress. The open space may be calculated based on the area of contiguous lots under common ownership within the MU3 District, or a common development plan under common ownership within the MU3 District at the time of application under the subdivision and land development process, excluding areas and lots separated by a public street. The landscaped buffer requirement in perimeter locations may be deemed to be satisfied by existing conditions where the distance between a proposed building and the applicable perimeter is more than one hundred fifty (150) linear feet or if the purpose of a buffer is effectively accomplished by existing trees or other existing landscaping. The open space shall remain green and open in perpetuity and the owner shall enter into such covenants, deed restrictions, maintenance obligations, and/or other written obligations, to the approval of the Township Solicitor.

9. **Maximum Building Height.** A building located within one hundred (100) feet of any street line shall not exceed three (3) stories and thirty six (36) feet in height and a building located more than one hundred feet (100) feet from any street line shall not

DRAFT

exceed four (4) stories and forty-eight (48) feet in height; except that portions of additions to buildings that are a Historic Resource having an aggregate building footprint up to one hundred fifty percent (150%) of the building footprint of the Historic Resource (at the date of establishment of this District including any portion of the building constructed after the year 1930) to which the addition is attached may exceed the height and story restrictions of this Section and may extend up to the same building height as the Historic Resource though no more than two (2) additions of such building height shall be permitted on each Historic Resource, and in no event shall any portion of such addition be within eighty (80) feet of any public right-of-way.

10. **Minimum Setback between Any Portions of Separate Buildings Not Sharing a Party Wall.** Portions of buildings up to 48 feet in height shall be setback no less than 20 feet from each other.

11. **Parking Standards.** In addition to those requirements of Article XXIII, the following additional parking standards shall also apply; if any of these requirements and the requirements of Article XXIII conflict, the more restrictive shall apply:

    a. At least fifty percent (50%) of the off-street parking spaces shall be underground parking.

    b. There shall be no parking garages with parking spaces above the ground level unless

        i. all exterior garage walls are at least one hundred fifty (150) feet from all public streets and;

        ii. all exterior façades directly visible from a public street and not shielded from view by other buildings are designed and constructed to appear generally consistent with the character and aesthetics of the Historic Resources.

    c. No parking on perimeter streets surrounding the tract shall count toward the required parking.

12. **Viewsheds.** No buildings or additions to buildings shall be erected, or new landscaping shall be installed, such that the view from a public street to the primary façade of an Historic Resource is materially impaired; provided that if that primary façade can be viewed directly from more than one street or if there is more than one façade that is primary, then this restriction shall apply only to the view from one street to one façade which is determined by the Director of Planning and Zoning to be the primary façade.

13. A traffic impact study shall be required for any hotel, apartment hotel, event facility, conversion of a Historic Resource for any use permitted herein, in order to determine the impact of the proposed use and offer solutions to mitigate the potential negative impacts, if any, of the proposed use or uses. The traffic impact study shall be prepared by a qualified traffic engineer who possesses the credentials outlined for a Municipal Traffic Engineer as defined in Pennsylvania Code Chapter 612, as amended from time to time, entitled "A Municipal Traffic Engineering Certification". The applicant shall pay all costs associated with preparation and submission of the study.

    a. The study must demonstrate that the proposed use will not adversely affect the surrounding areas or traffic circulation generally in the Township; or else identify

DRAFT

any traffic problems that might be caused or aggravated by the proposed use or uses and delineate solutions to those problems. Based upon the findings of the study the Township may require other improvements both onsite and offsite, which would alleviate hazardous or congested situations directly attributable to the proposed development.

b. The traffic impact study shall include an analysis of all significant intersections within the study area extending to a minimum of one-half mile from the boundary on all roads which the traffic generated by the proposed development would be reasonably expected to utilize. Intersections greater than one-half mile away shall also be studied if deemed necessary by the Township Engineer. The traffic study shall also include an analysis of existing and proposed sidewalks and pedestrian trails.

§295-1503. CLASS TWO SPECIAL EXCEPTION STANDARDS.

A. The following general standards shall apply to all Class Two developments in this district.

1. Mix Requirements. Developments shall meet the following mix of uses requirements according to the building floor area percentages per use in the table on the next page.

2. Usable open space and plaza uses shall comprise at least five percent (5%) of the net tract area of all Mixed Use Developments.

3. Site Master Plan. All properties proposed for development shall be developed in accordance with a master plan that has been approved by the Zoning Hearing Board, which shall meet the following requirements:

a. Master plans shall be prepared when any property, existing at the time of adoption of this ordinance, is initially proposed for subdivision or land development. Subdivided properties that are intended to be developed at a later date shall be subject to this initial master plan.

b. Master plans shall meet the tentative sketch plan requirements in section 260-35 of the municipal Subdivision and Land Development Ordinance.

c. Master plans shall show proposed buildings, land uses, lots, streets, and open space for the entire tract and shall be consistent with the municipal Subdivision and Land Development Ordinance. Master plans shall demonstrate that the mix requirements of Section 1503.A.1 have been met.

d. The Zoning Hearing Board may require changes in the master plan in order to meet the legislative intent and other standards of the MU3 District.

4. Development of property may be done in phases; however, any proposed subdivision or land development of a property or portion of a property must be consistent with the master plan and seventy-five percent (75%) of the Mixed Use Development's total building floor area to be devoted to non-residential or mixed use uses must be constructed and approved for occupancy prior to the initiation of any residential-only (townhouse, twin or village residential uses) development phase. If a proposed subdivision or land development is not consistent with the master plan, the master plan as a whole shall be revised, provided the following requirements are met:

DRAFT

	Class Two	
Minimum Gross Tract Area	10 acres or greater	
Minimum Net Lot Area	Apartments & Nonresidential Uses	None
	Townhouses & Twins	2,000 sq ft
	Single-Family Detached	5,000 sq ft
Minimum Net Lot Width	Apartments & Nonresidential Uses	None
	Townhouses & Twins	20 ft
	Single-Family Detached	50 ft
Minimum Green Area	15%	
Required Building Setbacks from Street	Minimum, for Building up to 45 ft in height	Arterial Streets: 20 ft; All Others: 12 ft
	Minimum, for Building from 45 to 60 ft in height	25 ft
	Maximum, for 60% or More of Building Frontage	Arterial Streets: 35 ft; All Others: 25 ft
Minimum Building Setback from Property Not Abutting Streets	Buildings up to 45 ft in height	10 ft; 40 ft when abutting residential
	Buildings between 45 and 60 ft in height	20; 60 ft when abuttign residential
Minimum Building Setback from Other Buildings	Buildings up to 45 ft in height	20 ft
	Buildings between 45 and 60 ft in height	40 ft
Minimum Parking Setback	10 ft	
Maximum Height	45 ft; 60 ft if within 1,000 ft of train station	
Maximum Impervious Coverage	85%	
Floor Area Ratio	0.75; 1.25 with Sustainability Bonus	
Minimum Percent of Building Floor Area	Land Use Group 1: Office, entertainment, institutional, and related uses as listed in Section 1501.B.1.a	5%
	Land Use Group 2: Retail, restaurant, and related uses as listed in Section 1501.B.1.b	5%
	Land Use Group 3: Residential, as listed in Sections 1501.B.1.f or g	5%
Maximum Percent of Building Floor Area	Land Use Group 1: Office, entertainment, institutional, and related uses as listed in Section 1501.B.1.a	80%
	Land Use Group 2: Retail, restaurant, and related uses as listed in Section 1501.B.1.b	60%
	Land Use Group 3: Residential, as listed in Sections 1501.B.1.f or g	35%

a. The master plan complies with all Mixed Use Development requirements, including the mix requirements of Section 1503.A.1.

b. All owners of land within the original Master Plan development area, whose property is affected by the revised master plan, approve the revisions to the master plan that affect their properties.

c. The revised master plan is approved by the Zoning Hearing Board.

5. Other Plan Requirements. Applicants submitting preliminary and final plans shall also submit architectural drawings, such as elevations, perspective drawings, axonometrics, and cross-sections that demonstrate compliance with the standards in the MU3 District.

6. Utilities. All Mixed Use Developments shall be served by public sewer and public water facilities.

7. Ownership. Any land area proposed for development shall be in one ownership or shall be subject to a joint application filed by every owner of the land area proposed for development, under single direction, using one overall master plan and complying with all requirements of the MU3 District.

8. Ownership and Maintenance of Common Open Space, Plaza Areas, and Other Facilities. Common open space, plaza areas, and other common facilities shall meet the ownership and maintenance regulations in Section 2607.C., and shall meet the additional design standards in this Article herein. The required usable open space and plaza areas shall be permanently deed restricted from future development.

9. Off street parking shall be provided in accordance with Article XXIII.

10. Signs shall meet the requirements of Article XXIV.

11. Landscaping, street trees, streetscaping, and buffers shall be provided in accordance with the Subdivision and Land Development Ordinance, as well as Subsection B.6 below.

B. Dimensional Standards. The following dimensional standards shall apply to all Class Two developments in this district:

1. **Minimum Lot Area:**

   a. Minimum Net Lot Area for all apartments and non-residential uses: no minimum lot size; however all lots must be consistent with the master plan.

   b. Minimum Net Lot Area for townhouses and twins: 2,000 square feet

   c. Minimum Net Lot Area for single-family detached homes: 5,000 square feet

2. **Minimum Lot Width:**

   a. Minimum Lot Width for all apartments and non-residential uses: no minimum lot width; however all lots must be consistent with the master plan.

   b. Minimum Lot Width for townhouses and twins: 20 feet

DRAFT

c. Minimum Lot Width for single-family detached homes: 50 feet

3. **Minimum Building Setback from Curblines**:

a. When no plaza is between the building and the street:

I. Minimum Building Setback from Street Curblines, portions of buildings up to 45 feet in height, provided buildings are not located within the street legal right-of-way line:
(a). Arterial Streets: 20 feet
(b). All Other Streets: 12 feet

II. Minimum Building Setback from Street Curblines, any portions of buildings from 45 to 60 feet in height: 25 feet

III. Maximum Building Setback from Street Curblines for 60% or more of the front façade of the ground floor level of buildings (these standards do not apply to structured parking garages):
(a). Arterial Streets: 35 feet
(b). All Other Streets: 25 feet

b. Where a plaza is between the building and the street, the Minimum and Maximum Building Setback from Street Curblines shall be the depth of the plaza.

4. **Minimum Building Setback from Property Lines Not Abutting Streets**:

a. Portions of buildings up to 45 feet in height: 10 feet, except when abutting residential properties not part of the Mixed Use Development where it shall be setback 40 feet.

b. Portions of buildings from 45 to 60 feet in height: 20 feet, except when abutting residential properties not part of the Mixed Use Development where it shall be setback 60 feet.

5. **Minimum Setback between Any Portions of Separate Buildings Not Sharing A Party Wall**:

a. Portions of buildings up to 45 feet in height: 20 feet

b. Portions of buildings from 45 to 60 feet in height: 40 feet.

6. **Minimum Landscaped Buffer to Residential Districts**. There shall be maintained a buffer area, except where a public right-of-way intervenes, the depth of which shall be at least eight (8) feet measured from the district boundary line on a lot area of not more than 5,000 square feet. For each additional 1,000 square feet of lot area, there shall be an additional foot of depth of buffer area up to 15,000 square feet; thereafter, for each additional 1,000 square feet of lot area, there shall be one-half (1/2) foot of depth of buffer area required. No landscaped buffer, regardless of the calculation using the above standards, shall be required to be in excess of one-hundred feet (100') in depth. Buffers adjacent to a residential use shall be continuously screened by a combination of a 6-foot high solid wall/fence and screen plantings. Use of native species is encouraged; invasive species identified by the Township shall be prohibited. Screen plantings shall include a mix of evergreen and deciduous trees and shrubs, and may include non-invasive vines, ornamental plantings, and grasses.

DRAFT

7. **Minimum Parking Setback.** Parking area shall be set back a minimum of ten (10) feet from street ultimate right-of-way lines and property lines, except when abutting residential properties not part of the Mixed Use Development where it shall be setback 40 feet.

8. **Maximum Building Height**: No building shall exceed forty-five (45) feet or 3 stories, whichever is less. Building height may be increased to a maximum of sixty (60) feet or 4 stories, whichever is less, when the building is completely located within a one thousand foot (1,000') radius of a Regional Rail Station.

8. **Maximum Impervious Coverage**: Not more than 85% of the total lot area shall be impervious surfaces, except as permitted herein.

9. **Minimum Green Area:** Not less than 15% of the total lot area must be grass or landscaped, except as permitted herein**.**

10. **Floor Area Ratio**:

    a. Maximum Floor Area Ratio (FAR) with no bonus: 0.75.

    b. Maximum Floor Area Ratio with bonuses, as described in Section 1504: 1.25

D. Development Standards. The following development standards shall apply to all Class Two developments in this district:

1. General Layout and Street Pattern. The following general layout and street pattern requirements shall be shown on the Master Plan:

    a. Various land uses shall be laid out and spaced to make walking from one land use to any other land uses as easy as possible.

    b. Retail uses shall be located as physically close to as many of the following on and off-site features as possible: existing retail areas, transit stops, existing collector or higher classification streets, and proposed plaza areas.

    c. Single-use residential buildings, when proposed, shall be located and designed to provide a transition between abutting off-site residential zoning districts, when they exist, and the nonresidential uses in the MU3 district.

    d. Mixed Use Developments shall be laid out with streets, in accordance with the following standards:

        I. Streets shall be laid out to create blocks, and blocks shall not exceed 800 feet in length before being interrupted by a street intersection, unless the reuse of existing buildings longer than 800 feet or the presence of unique barriers, such as a creek or a grade-separated highway, preclude the creation of a street intersection. In such cases, blocks shall be as small as feasible. Alley and driveway intersections shall not be used to meet the block length requirement.

        II. All proposed buildings, except structured parking garages, must be located within a certain distance of a street, as shown in Section 1506.C, Building Setback from the

DRAFT

edge of street curblines. Buildings do not have to meet these standards from alleys or driveways.

III. Streets shall be interconnected with each other and with streets on abutting properties in a grid or modified grid pattern.

IV. Streets shall be extended to abutting properties in logical locations, as determined by the municipal governing body. When warranted by unique circumstances, the municipal governing body may allow driveways to be used instead of streets for these connections, provided access for the driveway is guaranteed to the abutting property.

V. On tracts of ten (10) acres or more, new streets within a Mixed Use Development shall have a street connectivity index of 1.40 or more. The street connectivity index shall be computed by dividing the number of new street links (defined as street segments between intersections and/or cul-de-sac heads) by the number of new street intersections/permanent cul-de-sac heads.

e. At least every 500 linear feet, blocks shall include public pedestrian connections through the block between generally parallel streets, unless the reuse of existing buildings longer than 500 feet or the presence of unique barriers, such as a creek or grade-separated highway, preclude the creation of a pedestrian connection.

f. Developments shall be designed to support existing and/or future public transportation service through the provision of transit shelters, public transportation pick-up areas, roads and driveways designed to handle the weight and length of a forty-foot bus, and other similar features.

g. On tracts next to passenger rail stations and/or on tracts of twenty (20) acres or more, the layout of uses and buildings shall be designed to encourage pedestrian access to the existing passenger rail service or to future public transportation service.

2. Building Design Standards

a. Building Orientation and Entrances

I. Front facades of buildings shall be oriented towards existing and proposed streets, with an everyday entrance in the front façade. Buildings with multiple front facades shall have entrances in each front façade, corner entrances, or, if permitted by the municipal governing body, entrances in only some of the front facades.

II. All primary building entrances shall be accentuated. Permitted entrance accents may include: recessed, protruding, canopy, portico, or overhang.

III. Loading doors, service doors, and loading docks shall not be located in any façade facing a street or any portion of a façade within 35 feet of a street.

b. Walls and Windows

I. Blank walls shall not be permitted along any exterior wall facing a street or passenger train station. Walls in these locations shall comprise a minimum of 35

DRAFT

percent window area and a maximum of 75 percent window area, with windows interspersed across the façade.

II. Ground floor facades of retail, restaurant, and related uses facing a street or passenger train station shall comprise a minimum of 50 percent clear window area, with windows providing views of display areas or the inside of the building. These ground floor windows shall begin between 12 to 24 inches above ground level and shall end above 86 inches above ground level.

III. Smoked, reflective, or black glass in windows is prohibited.

IV. Walls or portions of walls where windows are not provided shall have architectural treatments designed to break up the bulk of the wall, including at least four of the following treatments: masonry but not flat concrete block; concrete or masonry plinth at the base of the wall; belt courses of a different texture or color; projecting cornice; projecting metal canopy; decorative tilework; trellis containing planting; medallions; opaque or translucent glass; artwork; vertical/horizontal articulation; lighting fixtures; or a similar architectural element not listed above, as approved by the municipal governing body.

V. Rear and side facades shall have colors and materials that are similar to the front façade and shall blend with structures within the development. Any development with more than one building on the site shall have a common and coherent architectural theme throughout the development.

c. Roofs

I. Building ridgelines or roof planes facing a street, parking area, or walking area must be interrupted at least once every one hundred (100) feet by the inclusion of at least two of the following: a gable, a dormer, a vertical change of five (5) feet or more, a tower, a dome, a barrel vault, a projecting cornice, an articulated parapet of five (5) feet or more, or the inclusion of a similar architectural feature.

II. Buildings shall use parapets or mansard type roof styles to conceal flat roofs, elevator and stair shafts, large vents, and rooftop equipment such as HVAC units along all roof edges.

d. Building Massing

I. Buildings shall be designed to achieve a fine-grained texture by dividing large facades into the appearance of several sections or smaller buildings to avoid the appearance of a large, monotonous building mass.

II. Buildings must have at least a 3 foot break in depth in all front facades for every one hundred (100) feet of continuous façade. Such breaks may be met through the use of bay windows, porches, porticos, building extensions, building recesses, balconies, towers, and other architectural treatments.

III. In addition to the required 3 foot break, building facades of two hundred (200) feet or more facing a street, surface parking lot, or walking area shall include design elements that will break up the façade, such as awnings, porches, canopies, towers, balconies, bays, gables, changes in materials, changes in façade treatments, etc.

DRAFT

3. Pedestrian Design Standards

   a. Sidewalks, with a minimum unimpeded width of 8 feet, are required along all street frontages with Retail, Restaurant, and Related Uses. Sidewalks with a minimum width of 6 feet are required along all street frontages with other uses.

   b. Sidewalks are required to connect the street frontage to all front building entrances, parking areas, plazas, and any other destination that generates pedestrian traffic. Sidewalks shall connect to existing sidewalks on abutting tracts and other nearby pedestrian destination points and transit stops.

4. Open Space and Plaza Design Standards

   a. Required open space areas shall be designed as focal points within the development and shall make public access as easy and straightforward as possible. Public access shall be guaranteed to all required open space through a deed restriction or other means acceptable to the municipal governing body.

   b. Plazas shall meet the following requirements:

      I. Mixed Use Developments shall provide 1 square foot of plaza area for every 40 square feet of gross building floor area; however, Mixed Use Developments with less than one hundred thousand (100,000) square feet of gross floor area are not required to provide any plaza area. Because of limits on the maximum size of plazas, more than one plaza area may be required in larger developments.

      II. Individual plazas shall be no smaller than 2,500 square feet and no larger than 40,000 square feet.

      III. Plazas shall be surrounded on all sides by either streets or the front facades of buildings. Perpendicular or angled parking spaces shall not abut plazas. When streets abut a plaza, the opposite side of the street from the plaza shall have building front facades rather than parking lots or open space facing the plaza.

      IV. At least 25%, but no more than 80%, of the plaza shall be landscaped with trees, shrubs, and mixed plantings with year round interest.

      V. Plazas shall be centrally located within the Mixed Use Development and easily and conveniently accessible from all residential and non-residential buildings. Plazas shall be integral to the development and designed as a focal point for the Mixed Use Development.

      VI. The plaza shall not be used for parking, loading, or vehicular access, except emergency and maintenance vehicular access.

      VII. Plazas shall include a defining central element, such as a large fountain, sculpture, gazebo, pond, or similar feature. They shall also be improved with a variety of other amenities, such as small fountains, public art, shade trees, trash containers, benches, decorative pedestrian lights, trellises, and/or other similar features. These

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improvements shall be provided in locations and amounts that are acceptable to the municipal governing body.

5. Lighting Standards

   a. Adequate lighting for pedestrians and vehicles shall be provided in all areas open to the public.

   b. Lighting shall be shielded to meet the following requirements:

      I. No light shall shine directly from a light source onto the ground, into the windows, or onto improvements of an abutting property, although incidental light may be permitted to fall on abutting property. Such incidental lighting shall not exceed one-half an ISO foot candle at ground level on the abutting property.

      II. No light, except street lights, shall shine directly onto public roads.

   c. Where the abutting property is residentially zoned and used, lighting shall meet the following requirements:

      I. Light fixtures shall be directed towards the proposed development and away from the abutting property.

      II. The light source itself must not be visible from the abutting residential property.

      III. Light fixtures shall be set back at least twenty (20) feet from the property line.

      IV. Light fixtures located within the building setback area that adjoins a residentially zoned and used property shall be no more than ten (10) feet in height.

   d. No parking lot lighting standard or building fixture designed to illuminate the ground shall exceed eighteen (18) feet in height from grade level, and no pedestrian lighting standard shall exceed fourteen (14) feet in height from grade level.

6. Refuse Area Design Standards. The storage of refuse shall be provided inside the building(s) or within an outdoor area enclosed by either walls or opaque fencing at least 6 feet in height. Any refuse area outside of the building shall be designed to be architecturally compatible with the building(s) and shall not be located in the front of the building.

7. Screening Design Standards
   a. All wall-mounted or ground-mounted mechanical, electrical, communication, and service equipment, including satellite dishes and vent pipes shall be screened from public view by parapets, walls, fences, landscaping, or other approved means.

   b. Service and loading areas must be visually screened from streets and pedestrian ways and must be located to the side or rear of buildings.

8. Outdoor Dining Design Standards

   a. Outdoor dining areas shall not impede pedestrian traffic flow. A minimum pathway of at least 5 feet free of obstacles shall be maintained.

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b. Advertising or promotional features shall be limited to umbrellas, a menu board, and canopies.

9. Outdoor Storage. Outdoor storage is not permitted.

10. Traffic Impact Study. A traffic impact study shall be required for all proposed uses greater than thirty thousand (30,000) square feet in order to determine the impact of the proposed use and offer solutions to mitigate the potential negative impacts of the proposed use. In addition, the Zoning Hearing Board may require a traffic impact study for any proposed use it deems likely to generate significant traffic based upon the recommendation of the Township Engineer.

    a. The study must demonstrate that the proposed use will not adversely affect the surrounding areas or traffic circulation generally in the township; or else identify any traffic problems that might be caused or aggravated by the proposed use and delineate solutions to those problems. Based upon the findings of the study the township may require other improvements both onsite and offsite, which would alleviate hazardous or congested situations directly attributable to the proposed development.

    b. The traffic impact study shall include an analysis of all significant intersections within a study area extending to a minimum of one-half mile from the boundary on all roads which the traffic generated by the proposed development would reasonably be expected to utilize. Intersections greater than one-half mile away shall also be studied if deemed necessary by the Township Engineer.

    c. The traffic impact study shall be prepared by a qualified traffic engineer who possesses the credentials outlined for a Municipal Traffic Engineer as defined in Pennsylvania Code Chapter 612, entitled A Municipal Traffic Engineering Certification.

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§295-1504. CLASS ONE AND CLASS TWO BONUSES FOR SUSTAINABLE DEVELOPMENT

A. The following bonuses shall be available to any development of Class One developments practicing sustainable development practices in compliance with 1504.C, below:

    1. Maximum impervious area may be increased to sixty-five (65%) percent of the total lot area.

    2. Minimum green area may be reduced to thirty-five (35%) of the total lot area.

    3. Maximum building height may be increased to fifty (50) feet.

B. The following bonuses shall be available to any development of Class Two Mixed Use Development practicing sustainable development practices in compliance with 1504.C, below:

    1. A FAR bonus of 0.5.

C. In order to qualify for the development bonus the applicant must include at least three of the following options:

1. Porous or permeable paving for at least fifty (50%) percent of all driveways and off-street parking areas.

2. Site-wide integrated stormwater management facilities that utilize rainwater harvesting for irrigation and vegetated swales and basins to improve water quality.

3. Solar panels for use in hot water heating or electricity supplementation on at least fifty (50%) of all buildings.

4. Green rooftops on at least fifty percent (50%) of all flat roof surfaces.

5. On-site use of geothermal heating and cooling systems for all building heating and cooling needs.

6. Proposed development is located within a two thousand (2,000') foot radius of a regional rail station.

7. Site wide implementation of one or more passive solar building design techniques that maximize the thermal benefits of the sun's daily and annual cycles. These passive solar techniques include, but are not limited to, large expanses of south-facing glass walls, skylights, window awnings, solar heat sinks, trees positioned to shade the buildings and reduce air conditioning loads, extraordinary insulation levels, and similar techniques. It shall be the responsibility of the applicant to prove to the Zoning Hearing Board that there will be substantial (more than fifteen percent [15%]) annual energy savings through the use of the method(s) selected by the applicant. The decision of the Zoning Hearing Board is final in this regard.

8. All buildings proposed to be built are certified LEED Silver or higher.

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ARTICLE XVI

LI - LIGHT INDUSTRIAL DISTRICTS

§295-1600. LEGISLATIVE INTENT

A. In expansion of the Declaration of Legislative Intent and the Statement of Community Development Objectives found in Article I of this Chapter, the intent of the LI Light Industrial District is to:

1. Encourage economic development and job creation by allowing non-retail commercial uses in appropriate areas of the Township.
2. Minimize the potentially negative impacts of industrial uses on adjacent neighborhoods, retail districts, and environmental resources.

§295-1601. PERMITTED USES

A. A building may be erected or used and a lot may be used or occupied for any of the following purposes, subject to the guidelines herein:

1. **Use B-2.** Automotive Service.
2. **Use B-6.** Car Wash.
3. **Use B-13.** Farmers' Market.
4. **Use B-22.** Radio/TV Station.
5. **Use B-24.** Repair shop
6. **Use B-27.** Retail shop.
7. **Use B-30.** Service Station.
8. **Use B-33.** Storage facility (self service).
9. **Use B-36.** Veterinary clinic.
10. **Use C-1.** Assembly Plant.
11. **Use C-2.** Bus Terminal.
12. **Use C-3.** Contracting Shop.
13. **Use C-4.** Distribution Center.
14. **Use C-5.** Dry Cleaning/Laundry Plant.
15. **Use C-6.** Fuel Storage Facility.
16. **Use C-7.** Industrial Repair Shop.
17. **Use C-8.** Lumber Yard.
18. **Use C-9.** Manufacturing plant
19. **Use C-10.** Packaging Plant.
20. **Use C-11.** Printing/Publishing Shop.
21. **Use C-12.** Radio, Telephone, or Television Transmission Tower.

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22. **Use C-13.** Research facility.
23. **Use C-14.** Recycling Drop-Off Facility.
24. **Use C-15.** Recycling Facility.
25. **Use C-16.** Truck terminal.
26. **Use C-17.** Warehouse or distribution center.
27. **Use C-18.** Wholesale Facility.
28. **Use C-19**. Kennel.
29. **Use C-20.** Brewery/Distillery/Winery
30. **Use C-21.** Microbrewery/Microdistillery/Microwinery
31. **Use E-1.** Office building.
32. **Use E-5.** Professional services.
33. **Use F-6.** Indoor recreation facilities.
34. **Use H-3.** Utility operating facilities.
35. Uses Permitted by Special Exception:
    a. **Use B-11.** Dry Cleaners (on site).
36. Any other legitimate use not otherwise permitted expressly or elsewhere in this Zoning Code when authorized as a special exception by the Township Zoning Hearing Board and after the imposition of conditions designed to eliminate (to the extent reasonably possible) adverse effects upon neighboring properties and the general public health, safety, and welfare.
37. Other similar uses to the above which are not detrimental to any surrounding neighborhoods.
38. The following accessory uses are permitted provided the accessory uses (in total) are equal to fifteen (15%) percent or less of the gross building area:
    a. **Use E-1**. Office buildings.
    b. **Use E-5.** Professional services.
    c. Cafeteria facility for employees.
    d. Repair shop or maintenance facility normally required for the conduct of industrial assembly operations, provided that all activities occur within an enclosed building or fenced area not visible to surrounding and/or adjacent zoning districts.
    e. Storage within a completely enclosed building in conjunction with a permitted use.
    f. Other accessory uses on the same lot customarily incidental to any of the above uses and not detrimental to surrounding neighborhoods.

§295-1602. DIMENSIONAL STANDARDS

A. **Minimum Lot Area and Width.** A lot area of not less than 5,000 square feet and a lot width of not less than 16 feet at the street line and extending from the street line to the depth of the rear yard shall be provided for every building or group of buildings hereafter erected, altered, or used in this district.

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B. **Maximum Building Coverage.** No more than 70% of the total lot area shall be covered with buildings.

C. **Maximum Impervious Coverage.** No more than 85% of the total lot area shall be covered with impervious surfaces.

D. **Minimum Green Area.** Not less than 10% of the total lot area must be grass or landscaped.

E. **Building Setbacks:**

1. **Front Yard.** There shall be a front yard, the depth of which shall be at least 15 feet.

2. **Side Yard(s).** There shall be two side yards, one on each side of the principal building, each at least 8 feet wide, and the combined total of both side yards shall be not less than 20 feet.

3. **Rear yard.** There shall be a rear yard, the depth of which shall be at least 25 feet, provided that, in the case of a lot held in single and separate ownership at the effective date of this chapter of a depth less than 100 feet, the depth of the rear yard may be decreased to not less than 15 feet.

F. **Maximum Building Height.** The maximum height of buildings shall be 3 stories or 35 feet.

G. **Minimum Parking Setback.** Parking areas shall be located to the rear or side of all principal buildings. In all cases, parking areas shall be set back a minimum of ten (10) feet from the ultimate street right-of-way or property line for the entire perimeter of the property. Parking and loading areas shall meet all applicable requirements of the Parking and Loading section of the Zoning chapter.

H. **Minimum Landscaped Buffer to Residential Districts.** There shall be maintained a buffer area, except where a public right-of-way intervenes, the depth of which shall be at least twenty five (25') feet measured from the district boundary line. Buffers adjacent to a residential use shall be continuously screened by a combination of a 6-foot high solid wall/fence and screen plantings. Use of native species is encouraged; invasive species identified by the Township shall be prohibited. Screen plantings shall include a mix of evergreen and deciduous trees and shrubs, and may include non-invasive vines, ornamental plantings, and grasses.

I. **Noise and other Nuisances.** In order to prevent a decline in quality of life associated with proximity to industrial uses, permitted industrial uses must comply with all Township Ordinances regarding noise and other nuisances, such as light, heat, smoke, and/or odor.

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ARTICLE XVII

Campus Development

OVERLAY DISTRICT

§295-1700. LEGISLATIVE INTENT

A. In expansion of the Declaration of Legislative Intent and the Statement of Community Development Objectives found in Article I of this Chapter, the intent of the CDO Campus Development Overlay District is to:

1. Provide flexible standards for major educational, medical and office campus development.
2. Ensure that campuses are appropriately located, suitably designed, and adequately served by public utilities, in order to protect and enhance the natural environment and the character of surrounding neighborhoods.
3. Minimize potentially detrimental impacts on neighboring properties and roadways, including those caused by traffic, noise, and lighting.
4. Ensure that institutional development and expansion will take place only when served by adequate public utilities and with appropriate protection of the natural environment and the community.
5. Provide for ancillary uses to support campus expansions, creating autonomous development that is efficient in design.

§295-1701. APPLICABILITY

A. The Campus Development Overlay District shall apply to all existing and proposed educational, medical, and office campuses on contiguous parcels of ten (10) acres or more held in single ownership as well as all existing public/private schools, regardless of size, at the time of adoption of this Ordinance. The Campus Development Overlay District becomes formally established at a campus's first land development proposal following the adoption of this Ordinance, when a Campus Plan is submitted to and approved by the Township Zoning Hearing Board, thereby approving the District as a Special Exception.

B. The Zoning Officer shall determine whether any subsequently proposed subdivision or land development application is generally consistent with the previously submitted and approved Campus Plan. If the Zoning Officer determines that a land development application is not consistent with or deviates from the approved Campus Plan, the applicant shall be required to submit an amended Campus Plan and seek a Special Exception.

C. An applicable campus held in common ownership intending on acquiring and proposing for development any subsequent property after the initial Campus Plan is approved and the District established, proposing to effectively expand the District, must submit an amended Campus Plan and thereby seek a Special Exception from the Zoning Hearing Board to expand the District.

D. Any property sold or vacated by an applicable campus is removed from the District upon the change in ownership.

E. The District shall apply to those properties that are part of a Campus Plan meeting the requirements of this section. If a property is proposed for development under the Campus Development Overlay District, the Cluster Residential Districts shall not be applied to the property.

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§295-1702. PERMITTED USES

A. **Use D-2.** College and University campus uses and ancillary uses typically associated with a university or college that are customary and subordinate to the primary educational function of the institution, including:

1. **Use D-6.** Educational facilities, as needed to meet the educational functions of the institution.

2. **Use D-5.** Residential dormitories, housing for faculty and staff, and lodging facilities for transient guests of the institution.

3. Parking lots (**Use B-19**) and structured parking facilities (**Use B-18**) provided they are designed to serve the university or college population and not to attract additional traffic to the campus.

4. Indoor (**Use F-6**) and outdoor recreation (**Use F-5**) facilities provided they are designed to minimize the impacts of traffic, noise, lighting, and parking facilities on the neighboring community.

5. Auditoriums/theaters (**Use F-8**), and museums (**Use D-8**), which may be open to the public provided they are designed to minimize the impacts of traffic, noise, lighting, and parking facilities on the neighboring community.

6. Medical research facilities (**Use C-13**) and office uses with a direct relationship to the university or college.

7. Retail uses and support services, including but not limited to bookstores, coffee shops, banking, travel services, hair salons, and dining establishments, provided they are designed to serve the university or college population and not to attract additional traffic to the campus.

8. Child and adult day cares (**Use D-4**), nursery schools, and summer camps provided they are designed to serve the community and to minimize the impacts of traffic, noise, lighting, and parking facilities on neighboring properties and roadways, and provided that all other regulations regarding the use can be met on the subject property.

9. Open space and recreation amenities such as passive fields, bike trails, and walking paths, provided they are open to the community and designed in coordination with all applicable approved Cheltenham Township open space and trail plans.

10. Any other use customarily incidental to a university or college may be permitted at the discretion of the Township Zoning Hearing Board, provided such use shall not subject neighboring properties to inappropriate noise, light, traffic, or other nuisances.

B. **Use D-12.** Schools - Public/Private and any incidental use customarily associated with these types of educational institutions that are customary and subordinate to the primary educational function of the institution, including:

1. **Use D-6.** Educational facilities, as needed to meet the educational functions of the institution.

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2. **Use D-5.** Residential dormitories, housing for faculty and staff, and temporary lodging facilities for guests of the institution.

3. Parking lots (**Use B-19**) and structured parking facilities (**Use B-18**) provided they are designed to serve the university or college population and not to attract additional traffic to the campus.

4. Indoor (**Use F-6**) and outdoor (**Use F-5**) recreation facilities, provided they are designed to minimize the impacts of traffic, noise, lighting, and parking facilities on the neighboring community.

5. Auditoriums/theaters (**Use F-8**), and museums (**Use D-8**), which may be open to the public provided they are designed to minimize the impacts of traffic, noise, lighting, and parking facilities on the neighboring community.

6. Open space and recreation amenities such as passive fields, bike trails, and walking paths, provided they are open to the community and designed in coordination with all applicable approved Cheltenham Township open space and trail plans.

7. Any other use customarily incidental to a school – public/private, including but not limited to support spaces and cafeterias, may be permitted at the discretion of the Township Zoning Hearing Board, provided such use shall not subject neighboring properties to inappropriate noise, light, traffic, or other nuisances.

C. **Use D-7.** Hospital and medical campus, including ancillary uses typically associated with a hospital that are customary and subordinate to the primary function of the institution, including:

1. **Use D-7.** Hospitals, including teaching and research facilities to support to the functions of the institution.

2. **Use E-2.** Medical Clinic.

3. **Use E-3.** Medical and dental offices for general practice, specialists, and outpatient medical uses, including but not limited to testing laboratories, outpatient surgery centers, physical therapy centers, and MRI centers.

4. Parking lots (**Use B-19**) and structured parking facilities (**Use B-18**) provided they are designed to serve the medical uses and not to attract additional traffic.

5. Retail uses, including but not limited to bookstores, coffee shops, banking, travel services, hair salons, fitness centers, and dining establishments, provided they are designed to serve the users of the medical campus and to minimize the impacts of traffic, noise, lighting, and parking facilities on neighboring properties and roadways.

6. Open space and recreation amenities such as passive fields, bike trails, and walking paths, provided they are open to the community and designed in coordination with all applicable approved Cheltenham Township open space and trail plans.

D. **Use E-4.** Office campus and corporate or institutional headquarters uses and ancillary uses that are customary and subordinate to the primary function of the office park or institution, including:

1. **Use E-1.** Office building

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2. **Use E-3.** Medical office

3. **Use C-13.** Research facility.

4. Parking lots (**Use B-20**) and structured parking facilities (**Use B-19**) provided they are designed to serve the office campus and not to attract additional traffic.

5. Retail uses, including but not limited to bookstores, coffee shops, banking, travel services, hair salons, fitness centers, and dining establishments, provided they are designed to serve the users of the campus and to minimize the impacts of traffic, noise, lighting, and parking facilities on neighboring properties and roadways.

6. Open space and recreation amenities such as passive fields, bike trails, and walking paths, provided they are open to the community and designed in coordination with all applicable approved Cheltenham Township open space and trail plans.

E. Any other use customarily incidental to a university, college, medical campus, office park, or corporate or institutional headquarters may be permitted at the discretion of the Township Zoning Hearing Board, provided such use shall not subject neighboring properties to inappropriate noise, light, traffic, or other nuisances.

§295-1703. DEVELOPMENT STANDARDS

A. Campus Site Plan. All properties proposed for development shall be developed in accordance with a campus plan that has been approved by the Zoning Hearing Board that meets the following requirements:

1. Campus plans shall be prepared when any property, existing at the time of adoption of this ordinance, is initially proposed for subdivision or land development. Subdivided properties that are intended to be developed at a later date shall be subject to this initial campus plan.

2. Campus plans shall show all existing conditions, including all existing and proposed buildings, land uses, lots, streets, open space, traffic circulation, landscaping, parking, and a conceptual or narrative plan for stormwater management for the entire tract. The plan need not be engineered to development plan specifications, but shall conceptually illustrate existing conditions and proposed expansions, if any, to the Township's satisfaction.

3. Final plans approved for development by the township shall be substantially similar to the campus plan as presented to the township. The applicant must define and demonstrate the differences between the campus plan and any proposed final plan.

4. The Zoning Hearing Board may require changes in the campus plan in order to meet the legislative intent and standards of the Campus Development Overlay District.

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§295-1704. DIMENSIONAL STANDARDS

A. **Minimum Lot Area and Width.** A lot area of not less than ten (10) acres and a lot width of not less than 1,000 feet at the street line and extending from the street line to the depth of the rear yard shall be provided for every building or group of buildings hereafter erected, altered, or used in this district. Exempted from these minimum lot area and width requirements are those existing private and public schools, regardless of size, provided for in §295-1901.A above.

B. **Maximum Impervious Area.** No more than fifty five (55%) percent of the total lot area shall be covered with impervious surfaces.

C. **Minimum Green Area.** Not less than thirty five (35%) of the total lot area must be grass or landscaped.

D. **Minimum Building Setback.** Buildings shall be set back a minimum of one hundred (100') feet from any ultimate street right-of-way, or one hundred (100') feet from any other property line for the entire perimeter of the property.

E. **Minimum Parking Setback.** Parking areas shall be set back a minimum of fifty (50') feet from the ultimate street right-of-way or property line for the entire perimeter of the property. Parking and loading areas shall meet all applicable requirements of the Parking and Loading section of the Zoning chapter.

F. **Maximum Building Height.** No building shall exceed sixty (60') feet in height, except as permitted herein.

§295-1705. DESIGN STANDARDS

A. Design Features for Large Buildings. Public facades of 100 feet or more which face streets or public parking shall use at least three of the following design features to break up the façade, add visual interest, and prevent a "big-box" look:
   1. Use of multiple building materials
   2. Awnings
   3. Porches
   4. Canopies
   5. Towers
   6. Balconies
   7. Bays
   8. Gables
   9. Planted trellises
   10. Use of masonry (brick, stone or similar)
   11. Belt courses of a different texture or color (horizontal band, often of brick/stone
   12. Projecting cornice/eaves (roof overhang)
   13. Projecting metal canopy
   14. Band of decorative tile
   15. Horizontal off-set of at least three feet
   16. Window sills and lintels
   17. Shrubbery flanking front door
   18. Public facades facing public streets or public parking shall include at least one type of design feature listed above for each 50 feet of frontage facing a public street or public parking.

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B. Architectural features, such as clock towers or mechanical or utility features may exceed the maximum building height by twenty (20') feet, for a total permissible height of sixty (80') feet provided these areas are not intended for human occupancy and are designed to be architecturally compatible with the building.

C. Facades. Building facades shall not be longer than one hundred sixty (160) feet without a minimum five (5) foot deep building offset. No building shall be longer than three hundred twenty (320) feet in length, regardless of the number of building offsets.

D. Trash, Storage, and Loading shall be located to the side or rear.

E. Off-street parking, dumpster enclosures, and loading space shall be located immediately contiguous to the building served (although sidewalks and landscaped areas may be constructed between the parking and the building).

F. Buffer requirements. A minimum fifteen (15') foot wide screening buffer between the proposed office use and any new or proposed residential uses shall be required and shall include:
   1. A mix of evergreen and deciduous trees with a mature height of at least 25 feet, planted in a staggered row along the property line.

   2. A mix of evergreen and deciduous shrubs with a mature height of at least 4 feet, planted in a staggered row along the property line.

   3. Ornamental plantings, grass, or other landscaping between property line buffer plantings and the closest building or curb.

G. Compatibility. Any new construction should be compatible with the character of significant historic structures and landscape features.

H. Traffic Impact Study. A traffic impact study shall be required for all proposed uses greater than fifty thousand (50,000') square feet in order to determine the impact of the proposed use and offer solutions to mitigate the potential negative impacts of the proposed use. In addition, the Zoning Hearing Board may require a traffic impact study for any proposed use it deems likely to generate significant traffic based upon the recommendation of the Township Engineer.

   1. The study must demonstrate that the proposed use will not adversely affect the surrounding areas or traffic circulation generally in the township; or else identify any traffic problems that might be caused or aggravated by the proposed use and delineate solutions to those problems. Based upon the findings of the study the township may require other improvements both onsite and offsite, which would alleviate hazardous or congested situations directly attributable to the proposed development.

DRAFT

2. The traffic impact study shall include an analysis of all significant intersections within a study area extending to a minimum of one-half mile from the boundary on all roads which the traffic generated by the proposed development would reasonably be expected to utilize. Intersections greater than one-half mile away shall also be studied if deemed necessary by the Township Engineer.

3. The traffic impact study shall be prepared by a qualified traffic engineer who possesses the credentials outlined for a Municipal Traffic Engineer as defined in Pennsylvania Code Chapter 612, entitled A Municipal Traffic Engineering Certification.

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ARTICLE XVIII

Historic Resource

OVERLAY DISTRICT

§295-1800. LEGISLATIVE INTENT

A. This Historic Resource Overlay District ordinance is enacted in order to preserve Historical Districts in Cheltenham Township, pursuant to Article I, Section 27 of the Pennsylvania Constitution, which states that: "the people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and aesthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustees of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people."
B. Further, this ordinance is enacted pursuant to the Municipalities Planning Code of the State of Pennsylvania, Section 603 (g), which provides that: "zoning ordinances shall provide for protection of natural and historic features and resources."
C. It is also the purpose and intent of this ordinance to protect and enhance the special character and historic interest of the Historical Districts in Cheltenham Township in the interest of the health, prosperity, safety, and welfare of the people. The additional purpose of this ordinance is to:

1. Accomplish the protection and enhancement of designated Historical Districts which reflect the township's cultural, social, economic, political, and architectural history;
2. Safeguard the township's historic and cultural heritage as embodied within the Historical Districts;
3. Prevent exterior alterations of buildings within Historical Districts which compromise historical integrity;
4. Encourage preservation, restoration, and rehabilitation of structures and spaces within the Historical Districts;
5. Promote appreciation of historic properties for the education and enjoyment of local residents;
6. Encourage beautification and private investment in the Township's historic building stock to enhance the visual character of the community;
7. Stabilize and improve property values; and
8. Foster civic pride in the history and architectural integrity of the Historical Districts;
9. Promote the interests of the business community by requiring preservation, restoration and rehabilitation of commercial properties to create and maintain prosperous business centers within the Historical Districts.

§295-1801. DEFINITIONS

A. For the purposes of this article, the following terms shall have the meanings indicated:

1. **ADDITION** - The enlargement of any structure which changes the exterior appearance of any elevation or roofline of that structure.

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2. **ALTERATION** – Any addition to or reduction of a building, alteration of the external architectural features of any façade of a building, or any change in manmade landscape structures (such as a wall, fence, trellis, or similar) within a designated Historical District.

3. **ARCHITECTURAL FEATURE** - Any element or resource of the architectural style, design or general arrangement of a structure that is visible from the outside including, but not limited to, the style and placement of all windows, doors, cornices, brackets, porch spindles, railings, shutters, the roof, type, color and texture of the building materials, signs and other decorative and architectural elements.

4. **BUILDING** - A structure intended for human or animal habitation, occupancy, and/or use.

5. **CERTIFICATE OF APPROPRIATENESS (COA)** - Document issued by the Board of Commissioners, following a prescribed review procedure, certifying that the proposed actions by an applicant related to rehabilitation, renovation, alteration, or demolition work are found to be acceptable in terms of design criteria relating to an individual property within a Historical District or the Historical District, pursuant to the criteria enumerated in this Article.

6. **DEMOLITION** - The razing or destruction, whether entirely or in part, of a site, building or structure, impairing its structural, historic, and/or architectural integrity.

7. **DEMOLITION BY NEGLECT** - The absence of routine maintenance and repair leading to a building's inability to be rehabilitated and/or reused or a structure's structural weakness, decay, and deterioration resulting in its demolition, whether by ordinary negligence or willful neglect, purpose or design, by the owner or any party in possession thereof. Demolition by neglect shall also include leaving a building or structure open to decay by the elements or vulnerable to vandalism.

8. **DENIAL** - The written rejection of an application for work that is determined to be inappropriate due to the fact that it adversely impacts a historic resource within a Historical District.

9. **HISTORICAL DISTRICT** – An area established by the Township and having defined geographic boundaries, with a significant concentration, linkage, or continuity of sites, buildings, or structures united historically or aesthetically by plan, appearance, or physical development. The designation "Historical District" recognizes that the component historic buildings, structures, accessory buildings, fences, or other appurtenances of the district are of basic and vital importance for the preservation of the neighborhood and its culture.

10. **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

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structure seeking listing as an historic resource from any of the above listings. The term "historic resource" shall also include historic accessory uses.

11. **PRESERVATION** - The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic resource. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.

12. **RECONSTRUCTION** - The act or process of reproducing, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and/or in its historic location.

13. **REHABILITATION** - The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

14. **REPAIR** – The act of restoring a decayed or damaged resource to a sound condition.

15. **REPLACEMENT** - The act of replicating any exterior architectural feature in order to substitute for an existing deteriorated or extensively damaged architectural feature.

16. **RESTORATION** - The act or process of accurately reproducing the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period that is selected.

17. **SECRETARY OF THE INTERIOR'S STANDARDS** - The publication issued by the U.S. Department of the Interior, National Park Service, entitled: "The Secretary of the Interior's Standards for the Treatment of Historic Properties as the Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings," (1995) as updated and amended from time to time.

18. **SITE** - The place where a significant event or pattern of events occurred. It may be the location of prehistoric or historic occupations or activities that may be marked by physical remains; or it may be the symbolic focus of a significant event or pattern of events that may not have been actively occupied. A site may also be the location of a ruined building, structure, or object if the location itself possesses historic, cultural, or archeological significance.

19. **STRUCTURE** – For the purposes of this Article, "Structure" shall mean: A construction for the purposes of occupancy, use, or ornamentation, having a fixed location on, above, or below the surface of land. Structures include, but are not limited to, buildings, flagpoles, fences, gazebos, pergolas, canopies, freestanding signs, permanent signs, walls, paved parking areas, and driveways.

§295-1802. BOUNDARIES OF HISTORIC RESOURCE OVERLAY DISTRICTS

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A. **Boundaries of Historical Districts.** The boundaries of the mapped Historical Districts shall be:

1. **La Mott Historical District.** All that certain area delineated as Historical La Mott on the La Mott Historical District Map (Exhibit A) [*Editor's Note: Exhibit A is attached.]* situated in the Township bounded on the east by Old York Road, on the west by Penrose Avenue, on the north by Beech Avenue and on the south by Cheltenham Avenue.
2. **Wyncote Historical District.** All that certain area delineated as Historical Wyncote on the Wyncote Historical District Map (Exhibit A) [*Editor's Note: Exhibit A is attached.*] beginning at the most northerly point of the district, approximately 1,140 feet north of the intersection of Greenwood Avenue and Glenside Avenue, thence (following the irregularly shaped northern boundary of the Ralph Morgan Park) southerly 182 feet, thence southwesterly 112 feet, thence northwesterly 41 feet, thence southeasterly 72 feet, thence westerly 182 feet, crossing Glenside Avenue, thence southwesterly approximately 75 feet along the northwest property line of 412 Glenside Avenue, thence southeasterly approximately 145 feet along the southeast property line of said property, thence southwesterly approximately 450 feet along the rear of properties on the north side of Woodland Road (numbers 111, 119, 121 and 127), thence turning in a more southerly direction along the rear of properties on the northwest side of Woodland Road (numbers 127, 131, 133, 139, 141 and 143), thence easterly 150 feet along the southeast property line of 143 Woodland Road, thence southwesterly 200 feet along Woodland Road, thence turning northwesterly 150 feet along the northeast property lines of 203 and 205 Greenwood Avenue, thence turning southeasterly 293 feet along the rear of properties at 207, 209 and 211 Greenwood Avenue, thence turning southeasterly approximately 130 feet along the southeast property line of 211 Greenwood Avenue to meet Greenwood Avenue, thence the boundary line continues southeasterly approximately 1,575 feet along the south side of Greenwood Avenue, thence turning southeasterly approximately 825 feet along the rear of properties on the west side of Greenwood Place (numbers 13, 12, 11 and 10), thence turning southerly approximately 425 feet along the southwest property lines of the rear of properties on the west side of Bent Road (numbers 337 and 343) and 243 feet along the southwest property line of 1221 Church Road, thence turning easterly approximately 1,300 feet along the north side of Church Road, thence turning northeasterly approximately 200 feet along the rear of property on the southeast corner of Accomac Road and Church Road, thence turning northwesterly approximately 160 feet along the northeast border of said property, crossing Accomac Road, and continuing along the northeast property line of 8100 Accomac Road, thence turning southerly approximately 75 feet along the rear of this property, thence turning westerly approximately 200 feet on the northeast border of 350 Bent Road, thence turning northeasterly approximately 500 feet along the front property lines of 343, 337, 335 and 333 Bent Road, thence turning southeasterly approximately 140 feet along the rear southeastern property line of 322 Bent Road, crossing Accomac Road, thence turning northeasterly approximately 150 feet along the southeastern property line of 140 Accomac Road, thence turning northwesterly approximately 70 feet along the rear of property line of 410 Accomac Road, thence turning northwesterly approximately 225 feet along the rear northeast property lines of 406 Accomac Road and 308 Bent Road, thence turning northeasterly approximately 150 feet along the rear southeast borders of 304 and 300 Bent Road, crossing Kent Road, and continuing along the east property lines of the Calvary Presbyterian Church and 213, 209, 205 and 201 Fernbrook Avenue. At the intersection of Fernbrook

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Avenue and Maple Avenue, the boundary line continues southeasterly along the northeast side of Maple Avenue, bordering the southwest property lines of 211 Maple Avenue and 135 and 132 Webster Avenue, thence turning northeasterly approximately 1,300 feet along the rear south property lines of houses on the south side of Webster Avenue (numbers 132 to and including 100 Webster Avenue) to the intersection of Glenside Avenue and Webster Avenue, thence Avenue to the intersection of Greenwood Avenue and Glenside Avenue, crossing over Greenwood Avenue to the northwest corner of this intersection, thence turning easterly along the north border of the bridge overpass, approximately 425 feet to the point of boundary between Cheltenham Township and Jenkintown Borough, at the intersection of Summit Avenue and Township Line Road, thence northwesterly along the boundary line separating Cheltenham Township from Jenkintown Borough, a distance of approximately 655 feet, thence turning approximately 90 degrees and continuing along the boundary line separating Cheltenham Township from Jenkintown Borough in a northeasterly direction, a distance of approximately 130 feet through Ralph Morgan Park to the railroad property boundary line, thence proceeding in a northerly direction to meet the most northerly point of Ralph Morgan Park, the place of beginning.

§295-1803. APPLICABILITY; CERTIFICATE OF APPROPRIATENESS REVIEW

A. Each applicant for a permit which would authorize any of the acts outlined herein within one of the Historic Resource Overlay Districts shall first have the plans and specifications reviewed by the BHAR of the Historical District in which the project is located. So that the unique character and value of the Historic Resources of Cheltenham Township shall not be impaired, the BHAR shall recommend issuance of permits only if it finds that the application meets the standards set forth in The Secretary of the Interior's Standards for Rehabilitation, as enumerated herein.

1. **Alteration, erection, reconstruction, restoration, relocation, or demolition of buildings or structures within designated Historical Districts.** In order to promote the cultural, economic, educational and general welfare through the preservation and protection of historic places and areas of unique and historic interest in the Township of Cheltenham, no building or structure within designated Historical Districts shall hereafter be altered, erected, reconstructed, restored, demolished in whole or in part, or relocated unless and until an application for a Certificate of Appropriateness (sometimes referred to herein as COA) is reviewed by the Board of Historical and Architectural Review (BHAR) created for such Historical District and approved by the Board of Commissioners. In its review, the BHAR shall consider the effect which the proposed change will have upon the general historic and architectural nature of the district, the general design, arrangement, texture, material and color of the building or structure, the relation of such factors to similar features of buildings and structures in the district and the appropriateness of exterior architectural features found on any elevation or roof of a building.
2. **Erection of new structures and improvements of vacant ground within designated Historical Districts.** No new buildings or structures shall be erected and no improvements shall be made to existing vacant ground in a Historical District unless

and until an application for a COA is reviewed by the BHAR created for such district, and approved by the Board of Commissioners.

3. **Land developments and subdivisions of land within designated Historical Districts.** No lot shall be improved or subdivided within a designated Historical District unless and until an application for a COA is reviewed by the BHAR.

§295-1804. BOARD OF HISTORICAL AND ARCHITECTURAL REVIEW (BHAR)

A. For the purpose of making effective the provisions of this Article, there is hereby created for each Historical District in the Township a board to be known as the "Board of Historical and Architectural Review." The Board of Historical and Architectural Review is an advisory board which makes recommendations on applications, pursuant to this Article, to the Public Works Committee of the Board of Commissioners.

The Board of Commissioners shall appoint each BHAR consisting of nine members of whom one shall be designated to serve until the first day of January following the adoption of this Article, four until the first day of the second January thereafter, two until the first day of the third January thereafter and two until the first day of the fourth January thereafter. Their successors shall be appointed on the expiration of their respective terms to serve four years.

The members of the Board shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

1. Membership of the Board of Historical and Architectural Review. Each Board of Historical and Architectural Review shall consist of the following representatives, all of whom shall be residents of Cheltenham Township, except as noted in (c) below:

   a. One member who is a registered architect, preferably a resident of the Historical District.

   b. One member who is a real estate broker, preferably a resident of the Historical District.

   c. One member shall be the Township's Building Inspector or an approved representative who may or may not be a resident of the Township (from the Department of Planning and Zoning).

   d. Five members of the public, preferably residents of the Historical District of the respective BHAR.

   e. One member of the Historical Commission.

   f. The terms of the nonpublic members shall be concurrent with their respective terms as members of the represented governmental agency or profession.

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B. Powers and Duties of the Board of Historical and Architectural Review. Each BHAR shall have the following powers and duties with respect to all ground, building and structures within its District:

1. To recommend to the Public Works Committee of the Board of Commissioners parcels of vacant ground necessary to preserve and protect within the Historical District.

2. To recommend on the advisability of issuing Certificates of Appropriateness relative to the alteration, erection, reconstruction, restoration, relocation, or demolition, in whole or in part, of any building or structure in said Historical District.

3. To recommend to the Public Works Committee of the Board of Commissioners such changes in the Historical District that will promote the cultural, economic, and general welfare of said District.

4. To recommend to the Public Works Committee of the Board of Commissioners appropriate actions to take on proposed Subdivision/Land Developments wholly or partly located within a Historical District.

C. Conflicts of Interest. It shall be the duty of each BHAR member to remain conscious of and sensitive to any possible conflict of interest, including but not limited to financial interests and personal or professional affiliations with an applicant, that may arise by virtue of his or her membership on the Board. A member, promptly upon determination of his conflict relative to a matter brought before the board, shall disqualify himself from participating, publicly or privately, in the discussion, or deliberation of and the voting on such matter.

§295-1805. PUBLIC WORKS COMMITTEE OF THE BOARD OF COMMISSIONERS

A. The Public Works Committee shall be responsible for reviewing and recommending to the Board of Commissioners actions to take regarding application for projects.

§295-1806. REVIEW CRITERIA: THE SECRETATY OF THE INTERIOR'S STANDARDS FOR REHABILITATION

A. When considering an application for a Certificate of Appropriateness for new construction, alteration, erection, reconstruction, restoration, relocation or demolition of any project located within the Historic Resource Overlay Districts, the BHAR, and Public Works Committee shall use the Secretary of the Interior's Standards for Rehabilitation, as amended from time to time, as guidelines in making its decisions. These guidelines shall serve as the basis for determining the recommendations of approval or denial of an application.
B. The Secretary of the Interior's Standards for Rehabilitation are as follows:

1. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

2. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.

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3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, shall not be undertaken.

4. Most properties change over time; changes to a property that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.

7. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.

8. Archeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

§295-1807. REVIEW PROCEDURES FOR CERTIFICATE OF APPROPRIATENESS APPLICATIONS

A. Certificate of Appropriateness review procedures for: alteration, erection, reconstruction, or restoration of buildings or structures within designated Historical Districts; erection of new structures and improvements of vacant ground within designated Historical Districts; land developments and subdivisions of land within designated Historical Districts:

1. Prior to submission of a permit application, land development application, or subdivision application for any proposed work listed above within a Historical District, the applicant shall provide the following information, plans, photographs, and other supporting materials to the Cheltenham Township Department of Planning and Zoning:

   a. Certificate of Appropriateness Application
   b. Copy of deed showing ownership of property
   c. 4″ x 6″ (or larger) labeled photographs showing:

      i. All sides of existing buildings and structures

ii. Site surrounding existing buildings of structures
iii. Adjacent sites, buildings, and structures including adjacent properties and across streets and right of ways

d. Scaled drawings indicating all proposed changes, as applicable:

i. Site plan, including adjacent sites and buildings
ii. Floor plans
iii. All elevations
iv. Details of all proposed work and new exterior elements

e. Samples or catalog cuts of any new materials to be used
f. Any additional information deemed necessary by the BHAR, in order to make a sound decision, after an initial consultation or review
g. A signed letter of authorization permitting a designated representative to present the project on behalf of the applicant, if applicable.

2. The Cheltenham Township Department of Planning and Zoning shall notify the applicable Board of Historical and Architectural Review (BHAR) that a complete application for a Certificate of Appropriateness for work proposed in its designated Historical District has been filed with the Township. The Township shall notify the applicant of the time and place of the next BHAR meeting when the application will be discussed.
3. The applicant, or designated representative, must appear to explain and present the application to the applicable BHAR. If the applicant, or designated representative, does not attend the scheduled meeting, the application shall be tabled and will be heard at the next regularly scheduled meeting of the BHAR. If the applicant, or designated representative, does not attend the second scheduled meeting, without prior consent and approval from the Director of the Department of Planning and Zoning, the BHAR can recommend denial of the application.
4. The BHAR shall review the materials submitted by the applicant, using the criteria set forth herein, and either table the discussion or forward their recommendation for approval or disapproval to the Public Works Committee of the Board of Commissioners of Cheltenham Township for consideration at its next regularly scheduled meeting. The BHAR, on the basis of the information received at the meeting and from its general background and knowledge, shall indicate to the applicant the changes in plans and specifications, if any, which, in the opinion of the BHAR, would protect the distinctive historical character of the District and justify the granting of a Certificate of Appropriateness. If the BHAR recommends approval or disapproval of the application, it shall do so in writing and a copy outlining the recommendation for approval or disapproval shall be provided to the applicant.
5. Upon receipt of the recommendation of the BHAR, the Public Works Committee of the Board of Commissioners of Cheltenham Township shall review the application for a Certificate of Appropriateness at its next regularly scheduled meeting and shall make a recommendation for approval or disapproval to the Board of Commissioners.
6. Upon receipt of the recommendation of the Public Works Committee, the Board of Commissioners shall consider at a regular or special meeting the question of issuing to

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the applicant a Certificate of Appropriateness for the work covered by the application. If the Board of Commissioners approves the application, with or without conditions, the Township shall issue a COA to the applicant for the work covered by the application.

7. Upon receipt of an approved Certificate of Appropriateness, the applicant may then submit a building permit application, including the COA, to the Cheltenham Township Department of Planning and Zoning for processing.
8. If the Board of Commissioners disapproves the COA for the work covered by the application, it shall do so in writing, and copies shall be given to the applicant and to the Pennsylvania Historical and Museum Commission. The disapproval shall indicate what changes in the plans and specifications would meet the conditions for protecting the distinctive historical character of the District. Upon receipt of the written disapproval of the Board of Commissioners, the Director of Planning and Zoning shall disapprove the application for a building permit and so advise the applicant. The applicant may appeal the disapproval as provided by law.
9. The Township shall be responsible for notifying all property owners on the same street within five hundred feet (500') of the designated site of the BHAR application and all property owners not on the same street but within one hundred and fifty feet (150') of the designated site. The Township will be responsible for notifying local historical groups at least thirty (30) days prior to public review of the application by the Board of Commissioners, so that the aforementioned groups may have the opportunity to provide advisory comments regarding the application.

B. Certificate of Appropriateness review procedure for Demolition or Relocation of a Building and/or Structure within a Historical District:

1. Prior to submission of a permit application for the relocation or demolition, in whole or in part, of any building and/or structure within a Historical District, the applicant shall provide the following information, plans, photographs, and other supporting materials to the Cheltenham Township Department of Planning and Zoning:

   a. Certificate of Appropriateness Application
   b. Copy of deed showing ownership of property
   c. 4″ x 6″ (or larger) labeled photographs showing:

      i. All sides of existing buildings and structures
      ii. Site surrounding existing buildings of structures
      iii. Adjacent sites, buildings, and structures including adjacent properties and across streets and right of ways

   d. Scaled drawings indicating all proposed changes, as applicable:

      i. Site plan, including adjacent sites and buildings
      ii. Floor plans
      iii. All elevations
      iv. Details of all proposed work and new exterior elements

   e. Samples or catalog cuts of any new materials to be used
   f. Any additional information deemed necessary by the BHAR, in order to make a sound decision, after an initial consultation or review

DRAFT

g. A signed letter of authorization permitting a designated representative to present the project on behalf of the applicant, if applicable.

2. The Cheltenham Township Department of Planning and Zoning shall notify the applicable Board of Historical and Architectural Review (BHAR) that a complete application for a Certificate of Appropriateness for work proposed in its designated Historical District has been filed with the Township. The Township shall notify the applicant of the time and place of the next BHAR meeting when the application will be discussed.
3. The applicant, or designated representative, must appear to explain and present the application to the applicable BHAR. If the applicant, or designated representative, does not attend the scheduled meeting, the application shall be tabled and will be heard at the next regularly scheduled meeting of the BHAR. If the applicant, or designated representative, does not attend the second scheduled meeting, without prior consent and approval from the Director of the Department of Planning and Zoning, the BHAR can recommend denial of the application.
4. In determining whether the preservation of the building or buildings is feasible, the following shall be considered:

   a. Whether the building or buildings is representative of a specific period of significance that is integral to the Township's history.
   b. Whether the building or buildings can be preserved by protecting its location from disturbance.
   c. Whether measures, such as rehabilitation, reuse, or restoration, can result in preservation of the structure.
   d. Whether the steps necessary to preserve the building or buildings are feasible and do not create an economic hardship.
   e. Whether the measures taken to preserve the building are long-term in nature.

5. In determining whether preservation of the building or buildings at another location is feasible, the following shall be considered:

   a. Whether the building or buildings can be moved and still retain its historic significance.
   b. Whether the building or buildings are stable enough to permit relocation.
   c. Whether it is feasible and practical to relocate the building or buildings without creating an economic hardship.
   d. Whether relocation would result in the long-term preservation of the building or buildings.

6. The BHAR shall review the materials submitted by the applicant, using the criteria set forth above, and either table the discussion or forward their recommendation for approval or disapproval to the Public Works Committee of the Board of Commissioners of Cheltenham Township for consideration at its next regularly scheduled meeting. The BHAR, on the basis of the information received at the meeting and from its general background and knowledge, shall indicate to the applicant the changes in plans and specifications, if any, which, in the opinion of the BHAR, would protect the distinctive historical character of the District and justify the granting of a Certificate of Appropriateness. If the BHAR recommends approval or disapproval of the application,

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it shall do so in writing and a copy outlining the recommendation for approval or disapproval shall be provided to the applicant.

7. Upon receipt of the recommendation of the BHAR, the Public Works Committee of the Board of Commissioners of Cheltenham Township shall review the application for a Certificate of Appropriateness at its next regularly scheduled meeting and shall make a recommendation for approval or disapproval to the Board of Commissioners.
8. Upon receipt of the recommendation of the Public Works Committee, the Board of Commissioners shall consider at a regular or special meeting the question of issuing to the applicant a Certificate of Appropriateness for the work covered by the application. If the Board of Commissioners approves the application, with or without conditions, the Township shall issue a COA to the applicant for the work covered by the application.
9. Upon receipt of an approved Certificate of Appropriateness, the applicant may then submit a building permit application, including the COA, to the Cheltenham Township Department of Planning and Zoning for processing.
10. If the Board of Commissioners disapproves the COA for the work covered by the application, it shall do so in writing, and copies shall be given to the applicant and to the Pennsylvania Historical and Museum Commission. The disapproval shall indicate what changes in the plans and specifications would meet the conditions for protecting the distinctive historical character of the District. Upon receipt of the written disapproval of the Board of Commissioners, the Director of Planning and Zoning shall disapprove the application for a building permit and so advise the applicant. The applicant may appeal the disapproval as provided by law.
11. The above required procedures pursuant to the granting of a permit for demolition of a building within the Historical District will be suspended in cases where the property has been determined to be imminently dangerous, as determined by the Office of the Director of the Department of Planning and Zoning.
12. The Township shall be responsible for notifying all property owners on the same street within five hundred feet (500') of the designated site of the Demolition/Relocation application and all property owners not on the same street but within one hundred and fifty feet (150') of the designated site. The Township will be responsible for notifying the Township Historical Commission at least thirty (30) days prior to public review of the application by the Board of Commissioners, so that the aforementioned group may have the opportunity to provide advisory comments regarding the application.
13. In the case of a building or structure located within a Historic District that is significantly damaged by a natural disaster or any other occurrence beyond the control of the owner, it shall be the burden of the applicant to prove that the building or structure is uninhabitable or unsafe and that demolition is the only viable option. In addition, the applicant must follow all applicable regulations and standards contained in this ordinance.

§295-1808. TIME LIMITATIONS

A. The Township shall have one hundred and twenty (120) calendar days to act on a complete application for a Certificate of Appropriateness, from the date the application is deemed complete by the Township. If no action has been taken after one hundred and twenty (120) days, such application shall be deemed to have been approved; and the issuance of any permit dependent upon the certification or appropriateness shall be so authorized by the Township. This time limit may be waived at any time by mutual consent of the applicant

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and the Board of Historical and Architectural Review or Cheltenham Township Board of Commissioners.

§295-1809. EXPIRATION

A. Any Certificate of Appropriateness issued pursuant to the provisions of this Article shall expire twenty-four (24) months from the date of issuance, except that under the following circumstances the COA shall continue to be in effect:

1. the authorized work is commenced within said twenty-four (24) month time period
2. An active building permit for the authorized work is on file with the Township.

§295-1810. EXCEPTIONS TO CERTIFICATE OF APPROPRIATENESS PROCEDURE

A. A COA is not required for the routine repair, maintenance or replacement in kind of any exterior elements or features of any building or structure, in whole or in part, within a Historical District. Replacement in kind refers to equal in construction characteristics, including material, size, configuration, profile, appearance, texture, color and method of installation with conforming lines, levels and planes.
B. In order to obtain a ruling regarding whether a proposed project is considered to be a routine repair or maintenance or replacement in kind, applicants must complete a Certificate of Appropriateness application, indicating the extent of repair or maintenance or replacement in kind and the specifications of the proposed undertaking. As part of the application for exemption to the Certificate of Appropriateness procedures, attachments and detailed photographs documenting the element or feature included in the proposed project must be submitted with the BHAR application for review by the Director of Planning and Zoning. The Director of Planning and Zoning will then make a determination whether the proposed repair or maintenance or replacement is in kind and whether the submission is sufficiently complete to forgo the COA procedure. The Director of Planning and Zoning shall keep records of all applications for exceptions to the COA procedure and provide a report, including the property address and scope of work, of such approved exceptions to the appropriate BHAR at the first official meeting following the exception.
C. If the Director of Planning and Zoning makes a determination that the proposed work is routine repair or maintenance or replacement in kind, the applicant may then make application for a building permit. If the Director of Planning and Zoning makes a determination that the proposed work is not routine repair or maintenance or replacement in kind, the Certificate of Appropriateness application of the applicant will be placed on the agenda of the appropriate BHAR meeting.
D. Annually the Director of Planning and Zoning shall prepare a summary report, including the property address and scope of work, of all exceptions to the COA procedure for the prior two years, and distribute said report to all members of the BHARs on an annual basis during the month prior to the month of adoption of this section.

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§295-1811. DOCUMENTATION OF HISTORIC RESOURCE PRIOR TO DEMOLITION OR RELOCATION

A. If the Township issues a permit for the demolition or relocation of a building or structure located within a Historical District, the Board of Commissioners shall require the applicant to provide documentation of the historic resource proposed for demolition. Such documentation may include photographs, floor plans, copies of deeds, scaled site plans, archeological survey, summary descriptions, maps, and any other comparable form of documentation stipulated by the Board of Commissioners, in order to provide a record of the property for future generations. Copies of documentation shall be provided to the Township Office of Planning and Zoning, the Cheltenham Township Historical Commission, and to any other research institution or document repository deemed appropriate by the Board of Commissioners.

§295-1812. DEMOLITION BY NEGLECT

A. Demolition by neglect shall be a violation of the provisions of this Article and shall be subject to the violation provisions and penalties provided for in the Cheltenham Township Zoning Code. In addition, unoccupied buildings within the Historical District shall be tightly sealed, weatherproofed, fenced or otherwise protected, and their utilities shall be shut off for safety, violation of which shall be subject to the violation provisions and penalties of the Cheltenham Township Zoning Code.

§295-1813. VIOLATIONS

A. Failure to secure a Certificate of Appropriateness, when required, previous to the erection, reconstruction, alteration, restoration, relocation, or demolition of a building or structure within the Historic Resource Overlay District shall be subject to the violation provisions and penalties of the Cheltenham Township Zoning Code.

§295-1814. CERTIFICATION BY PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

A. Immediately upon the adoption of this Article, the Township Manager shall forward a certified copy thereof to the Pennsylvania Historical and Museum Commission. This article shall not take effect until the Pennsylvania Historical and Museum Commission has certified, by resolution, to the historical significance of the La Mott and Wyncote Historical Districts, as defined in §295-1902.A. herein. The provisions of this Article shall in no way affect or nullify the existing Zoning Ordinances relative to the Zoning Districts in which the Historical Resource Overlay Districts established in this article are situated.

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ARTICLE XIX

Floodplain Conservation

OVERLAY DISTRICT

§295-1900. STATUTORY AUTHORIZATION

A. The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Board of Commissioners of Cheltenham Township does hereby order as follows.

§295-1901. LEGISLATIVE INTENT

A. The intent of this Article is to:

1. Protect areas of the floodplain necessary to contain floodwaters.

2. To permit only those uses in the floodplain that are compatible with preserving natural conditions and stream flow.

3. Promote the general health, welfare, and safety of the community by preventing development in areas prone to flooding.

4. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.

5. Minimize danger to public health by protecting water supply and natural drainage.

6. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

7. Comply with federal and state floodplain management requirements.

§295-1902. APPLICABILITY

A. The Floodplain Conservation District is defined and established as a district applicable to those areas of the township subject to inundation by the waters of the one-hundred-year flood as delineated on the Flood Insurance Rate Map (FIRM) for Montgomery County, Pennsylvania, as prepared by the Federal Emergency Management Agency, dated December 19, 1996 and subsequent revisions thereto. Said floodplain areas shall consist of the following specific areas:

1. Flood Zones Applicable to Township: Zones A, A1-A30, AE, A99 and AH.

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2. Soils with a frequency of flooding of 1% or greater per year, as delineated by the Natural Resources Conservation Service, United States Department of Agriculture Web-Based Soil Survey (available online at http://websoilsurvey.nrcs.usda.gov/), including the following soils:

    a. Bowmansville (Bo)
    b. Knauers (Bo)
    c. Gilbraltar (Gc)
    d. Hatboro (Ha)
    e. Rowland (Rt)
    f. Rowland (RwA)
    g. Rowland (RwB)
    h. Urban Land Occasionally Flooded (UlA)

B. In lieu of the above, Cheltenham Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

C. The Floodplain Conservation District shall be delineated according to FEMA's Flood Insurance Rate Map (FIRM) for Cheltenham Township which is hereby made a part of this article, and additional area based on soils as described in Section 295-2002.A.2. The FIRM is available for inspection at the municipal Office.

D. The Floodplain Conservation District shall be deemed an overlay on any zoning district now or hereafter applicable to any lot.

E. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within Cheltenham Township unless a Permit has been obtained from the Floodplain Administrator.

F. A Permit shall not be required for minor repairs to existing buildings or structures.

§295-1903. ABROGATION AND GREATER RESTRICTIONS

A. This Article supersedes any other conflicting provisions which may be in effect in the Floodplain Conservation District. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Article, the more restrictive shall apply.

§295-1904. SEVERABILITY

A. If any section, subsection, paragraph, sentence, clause, or phrase of this Article shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Article, which shall remain in full force and effect, and for this purpose the provisions of this Article are hereby declared to be severable.

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§295-1905. WARNING AND DISCLAIMER OF LIABILITY

A. The degree of flood protection sought by the provisions of this Article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Article does not imply that areas outside the Floodplain Conservation District, or that land uses permitted within such areas will be free from flooding or flood damages.

B. This Article shall not create liability on the part of Cheltenham Township or any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made there under.

§295-1906. DEFINITIONS

A. For the purposes of this Article, the words and terms used herein shall be interpreted as follows. Unless specifically defined below, words and phrases used in this Article shall be interpreted so as to give this Article its most reasonable application.

1. **ACCESSORY USE OR STRUCTURE** – a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

2. **BASE FLOOD** – a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood").

3. **BASE FLOOD ELEVATION (BFE)** – the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. The BFE is also shown on the FIS profile, and can be determined for Zone A Floodplains.

4. **BASEMENT** – any area of the building having its floor below ground level on all sides.

5. **BUILDING** – a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

6. **DEVELOPMENT** – any man-made change to improved or unimproved real estate, including but not limited to subdivision of land; construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; fill; grading and excavation; mining; dredging; drilling operations; or storage of equipment or materials.

7. **EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

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8. **EXISTING STRUCTURE/EXISTING CONSTRUCTION** – a structure for which the "start of construction" commenced before the effective date of the FIRM.

9. **EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** – the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

10. **FLOOD** – a temporary inundation of normally dry land areas.

11. **FLOOD INSURANCE RATE MAP (FIRM)** – the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

12. **FLOOD INSURANCE STUDY (FIS)** – the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

13. **FLOODPLAIN AREA** – a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

14. **FLOODPROOFING** – any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

15. **FLOODWAY** – the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

16. **FLOODWAY FRINGE** – That part of the floodplain adjacent to and extending from the floodway and subject to inundation by the 100-year flood.

17. **FREEBOARD** – A factor of safety usually expressed in feet above a flood level for purposes of floodplain management.

18. **HIGHEST ADJACENT GRADE:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

19. **HISTORIC STRUCTURES** – any structure that is:
    a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Pennsylvania Historical and Museum Commission (PHMC) as meeting the criteria for individual listing on the National Register;

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b. Certified or preliminarily determined by the Pennsylvania Historical and Museum Commission (PHMC) as contributing to the historical significance of a National Register historic district or a district preliminarily determined by the PHMC to be eligible to qualify for listing in the National Register, or;

c. Designated as historic by a municipal ordinance:

i. Identified individually or as part of a local historic district by a zoning ordinance under the authority of the Pennsylvania Municipalities Planning Code, or

ii. Located in a local historic district that has been certified by the Pennsylvania Historical and Museum Commission as meeting the requirements of the Pennsylvania Historic District Act.

20. **LOWEST FLOOR** – the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Article.

21. **MANUFACTURED HOME** – a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

22. **MANUFACTURED HOME PARK OR SUBDIVISION** – a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

23. **MINOR REPAIR** – the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

24. **NEW CONSTRUCTION** – structures for which the start of construction commenced on or after November 16, 1976, and includes any subsequent improvements thereto.

25. **NEW MANUFACTURED HOME PARK OR SUBDIVISION** – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

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26. **ONE HUNDRED-YEAR FLOOD** – The flood having a 1% chance of being equaled or exceeded in any given year. Also referred to as the '1% frequency flood', or the 'Base Flood', as defined by FEMA in the Flood Insurance Study for Cheltenham Township

27. **PERSON** – an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

28. **POST-FIRM STRUCTURE** – A structure for which construction or substantial improvement occurred after December 31,1974, or on or after the community's initial FIRM dated May 20, 1976whichever is later, and, as such would be required to be compliant with the regulations of the NFIP.

29. **PRE-FIRM STRUCTURE** – A structure for which construction or substantial improvement occurred on or before December 31,1974, or before the community's initial FIRM dated May 20, 1976, and, as such would not be required to be compliant with the regulations of the NFIP.

30. **RECREATIONAL VEHICLE** – a vehicle which is

    a. built on a single chassis;

    b. not more than 400 square feet, measured at the largest horizontal projections;

    c. designed to be self-propelled or permanently towable by a light-duty truck,

    d. not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

31. **REDEVELOPMENT AREA** – A census tract or group of census tracts eligible for the Montgomery County Revitalization Program and identified in the adopted municipal revitalization plan.

32. **REGULATORY FLOOD ELEVATION** – The regulatory flood elevation is the elevation to which development is regulated for purposes of elevation and/or dry floodproofing. It is equal to the base flood elevation (BFE) plus a freeboard of 1.5 feet.

33. **REPETITIVE LOSS** – flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

34. **SPECIAL PERMIT** – a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

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35. **SPECIAL FLOOD HAZARD AREA (SFHA)** – means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.

36. **START OF CONSTRUCTION** – includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit and shall be completed within 12 months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

37. **STRUCTURE** – a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

38. **SUBDIVISION** – the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

39. **SUBSTANTIAL DAMAGE** – damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred. Substantial damage also means a structure that meets the definition for repetitive loss.

40. **SUBSTANTIAL IMPROVEMENT** – Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage (or "repetitive loss") regardless of the actual repair work performed. The term does not, however include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. For alteration of historic structures, see Section 295-1915.A.5

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41. **UNIFORM CONSTRUCTION CODE (UCC)** – The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

42. **VIOLATION** – means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

§295-1907. IDENTIFICATION OF FLOODPLAIN AREAS

A. The Floodplain Conservation District shall be any areas of Cheltenham Township classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated December 19, 1996, and issued by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.

B. The Floodplain Conservation District shall also include areas with soils listed in Section 295-1902.A.2, along with any community identified flood hazard areas.

C. The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Cheltenham Township and declared to be a part of this Ordinance.

§295-1908. DESCRIPTION AND SPECIAL REQUIREMENTS OF THE FLOODPLAIN CONSERVATION DISTRICT

A. The Floodplain Conservation District shall consist of the following specific areas/districts:

1. The Floodway Area/District shall be those areas identified as Floodway on the FIRM as well as those floodway areas which have been identified in other available studies or sources of information for those special floodplain areas where no floodway has been identified in the FIS. The floodway represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot at any point.

2. Within any floodway area, no encroachments, including fill, new construction, substantial Improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any

increase in flood levels within the community during the occurrence of the base flood discharge.

3. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.

4. The AE Area/District without floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which base flood elevations have been provided in the FIS but no floodway has been delineated.

    a. In AE Area/District without floodway, no new development shall be permitted unless it can be demonstrated that the cumulative effect of all past and projected development will not increase the BFE.

    b. No permit shall be granted for any construction, development, use, or activity within any AE Area/District without floodway unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the BFE.

5. Community Identified Flood Hazard Areas shall be those areas where Cheltenham Township has identified local flood hazard or ponding areas, as delineated and adopted on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high water marks, soils or approximate study methodologies.

6. The A Area/District shall be the areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no one-percent (1%) annual chance flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable source shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the Floodplain Conservation District which is nearest the construction site.

7. In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.

8. The Shallow Flooding Area/ District shall be those areas identified as Zones AO and AH on the FIRM and in the FIS. These areas are subject to inundation by 1-percent-annual chance shallow flooding where average depths are between one and three feet. In Zones AO and AH, drainage paths shall be established to guide floodwaters around and away from structures on slopes.

§295-1909. CHANGES IN IDENTIFICATION OF AREA

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A. The Floodplain Conservation District may be revised or modified by Township Board of Commissioners where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes by submitting technical or scientific data.

§295-1910. BOUNDARY DISPUTES

A. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Cheltenham Planning Commission and any party aggrieved by this decision or determination may appeal to the Township Board of Commissioners. The burden of proof shall be on the appellant.

§295-1911. CORPORATE BOUNDARY CHANGES

A. Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in CFR 44 60.3.

§295-1912. USES PERMITTED BY RIGHT

A. The following uses are permitted by right in the Floodplain Conservation District in compliance with the requirements of this Article:

1. Up to half of any required yard setback area on an individual residential lot may extend into the Floodplain Conservation District.

2. Open space uses that are primarily passive in character shall be permitted to extend into the floodplain including:

   a. Wildlife sanctuaries, nature preserves, forest preserves, fishing areas, passive areas of public and private parklands, and reforestation.

   b. Streambank stabilization.

3. Forestry operations reviewed by the Montgomery County Conservation District.

4. The following floodplain crossings are permitted, provided disturbance to any existing woodlands and degradation of water quality are minimized to the greatest extent practicable:

   a. Agricultural crossings by farm vehicles and livestock.

   b. Driveways serving single family detached dwelling units, roadways, recreational trails, railroads, and utilities.

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5. Agricultural uses conducted in compliance with methods prescribed in the latest version of the Department of Environmental Protection's Erosion and Sediment Pollution Control Manual. In the event that the municipality has a Riparian Corridor Conservation District or similar regulation, the more restrictive regulation shall apply.

6. Public sewer and/or water lines and public utility transmission lines running along the corridor.

7. Development of elevated and flood-proofed buildings on brownfield sites in redevelopment areas encouraging economic revitalization, in compliance with Section 295-1918.

§295-1913. USES PROHIBITED IN THE FLOODPLAIN CONSERVATION DISTRICT

A. Any use or activity not authorized within Section 295-1912, herein, shall be prohibited within the Floodplain Conservation District and the following activities and facilities are specifically prohibited, except for as part of a redevelopment project in compliance with Section 295-1912.A.7 herein:

1. No new construction, alteration, or improvement of buildings and any other type of permanent structure, including fences shall be permitted in the floodway or the 100-year floodplain.

2. Placement of fill within the 100 year floodplain is prohibited.

3. No encroachment, alteration, or improvement of any kind shall be made to any watercourse.

4. Clearing of all existing vegetation, except where such clearing is necessary to prepare land for a use permitted under Section 295-1912, herein, and where the effects of these actions are mitigated by re-establishment of vegetation.

5. Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards.

6. Roads or driveways, except where permitted as corridor crossings in compliance with Section 295-1912, herein.

7. Motor or wheeled vehicle traffic in any area not designed to accommodate adequately the type and volume.

8. Parking lots.

9. Subsurface sewage disposal areas.

10. Sod farming.

11. Stormwater basins, including necessary berms and outfall facilities.

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§295-1914. NONCONFORMING STRUCTURES AND USES IN THE FLOODPLAIN CONSERVATION DISTRICT

A. The provisions of this Article do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 295-1915 of this Chapter, and Article XXVII of this Chapter, Nonconforming Structures, Uses and Lots, shall apply.

§295-1915. IMPROVEMENTS TO EXISTING STRUCTURES IN THE FLOODPLAIN CONSERVATION DISTRICT

A. The following provisions shall apply whenever any improvement is made to an existing structure located within any Floodplain Conservation District:

1. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the base flood elevation.

2. No expansion or enlargement of an existing structure shall be allowed within any AE Area/District with floodway, as defined in Section 295-1908.A.4 that would, together with all other existing and anticipated development, increase the BFE at any point.

3. No expansion or enlargement of an existing structure shall be undertaken in the direction of the streambank.

4. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Article.

5. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this Article must comply with all Article requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific Article requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from the Article requirements will be the minimum necessary to preserve the historic character and design of the structure.

6. The above activity shall also address the requirements of the 34 PA Code, as amended and the 2009 IBC and the 2009 IRC.

7. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this Article.

§295-1916. VARIANCES

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A. If compliance with any of the requirements of this Article would result in an exceptional hardship to a prospective builder, developer or landowner, Cheltenham Township may, upon request, grant relief from the strict application of the requirements.

B. Variance Procedures and Conditions:

1. For a use other than those permitted in Section 295-1912, an application seeking approval by variance shall be forwarded to the Township Zoning Hearing Board along with required studies or information and the findings of the Zoning Officer.

2. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the BFE.

3. No variance shall be granted for any construction, development, use, or activity within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE at any point.

4. No variance shall be granted for any of the other requirements pertaining specifically to development regulated by Section 295-1921 (pertaining to special technical requirements for activities requiring a Special Permit) or to Development Which May Endanger Human Life (Section 295-1919.A).

C. Special Requirements for Subdivisions and Land Development:

1. All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in flood hazard areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision.

D. Special Requirements for Manufactured Homes:

1. Within the Floodplain Conservation District, manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

2. Where permitted by variance within the Floodplain Conservation District, all manufactured homes, and any improvements thereto, shall be:

a. placed on a permanent foundation,

b. elevated so that the lowest floor of the manufactured home is at least one and one half (1 ½) feet above the Base Flood Elevation, and

c. anchored to resist flotation, collapse, or lateral movement.

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3. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 International Residential Building Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply and 34 PA Code Chapter 401-405.

4. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the most recent revisions thereto and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed installation.

E. Special Requirements for Recreational Vehicles

1. Recreational vehicles in Zones A1-30, AH and AE must either:

   a. be on the site for fewer than 180 consecutive days, and

   b. be fully licensed and ready for highway use, or

   c. meet the permit requirements for manufactured homes in Section 295-1916.D.

F. Variance Conditions:

1. If granted, a variance shall involve only the least modification necessary to provide relief.

2. In granting any variance, the Township Zoning Hearing Board shall attach the reasonable conditions and safeguards outlined herein. These conditions and safeguards are necessary in order to protect the public health, safety, and welfare of the residents of the Township.

3. Whenever a variance is granted, the Township Zoning Hearing Board shall notify the applicant in writing that:

   a. The granting of the variance may result in increased premium rates for flood insurance.

   b. Such variances may increase the risks to life and property.

4. In reviewing any request for a variance, the Township Zoning Hearing Board shall consider, at a minimum, the following:

   a. That there is good and sufficient cause, including:

      i. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the

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circumstances or conditions generally created by the provisions of the zoning Article in the neighborhood or district in which the property is located.

ii. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

iii. That such unnecessary hardship has not been created by the appellant.

iv. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

b. That failure to grant the variance would result in exceptional hardship to the applicant.

c. That the granting of the variance will:

i. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,

ii. nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

5. A complete record of all variance requests and related actions shall be maintained by Cheltenham Township. In addition, a report of all variances granted during the year shall be included in the biennial report to FEMA.

§295-1917. TECHNICAL PROVISIONS IN THE EVENT OF A VARIANCE BEING GRANTED

A. In granting any variance, Cheltenham Township shall attach the following technical provisions to the proposal for which the variance has been granted. These conditions and safeguards are necessary in order to protect the public health, safety, and welfare of the residents of the municipality.

B. Pertaining To The Alteration or Relocation of Watercourse

1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.

2. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.

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3. In addition, the FEMA and Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.

C. The municipality shall require technical or scientific data to be submitted to FEMA for a Letter of Map Revision (LOMR) within six (6) months of the completion of any new construction, development, or other activity resulting in changes in the BFE. A LOMR or Conditional Letter of Map Revision (CLOMR) is required for:

1. Any development that causes a rise in the base flood elevations within the floodway; or

2. Any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise in the base flood elevation; or

3. Alteration or relocation of a stream (including but not limited to installing culverts and bridges).

D. Any new construction, development, uses or activities allowed by variance within any Floodplain Conservation District shall be undertaken in strict compliance with the provisions contained in this Article and any other applicable codes, ordinances and regulations. In addition, when such development is proposed within the area measured fifty (50) feet landward from the top of bank of any watercourse, a permit shall be obtained from the Department of Environmental Protection Regional Office.

§295-1918. ELEVATION AND FLOODPROOFING REQUIREMENTS

A. Residential Structures

1. In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be used.

2. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with Section 295-1908.A.6 of this Chapter.

3. In AO Zones, any new construction or substantial improvement shall have the lowest floor including basement) at or above the highest adjacent grade at least as high as the depth number specified on the FIRM.

4. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

B. Non-residential Structures

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1. In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:

    a. is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,

    b. has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

2. In A Zones, where there no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation.

3. In AO Zones, any new construction or substantial improvement shall have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.

4. Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

5. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be used.

C. Space below the lowest floor

1. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.

2. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

    a. A minimum of two openings each on a separate wall having a net total area of not less than one (1) square inch for every square foot of enclosed space.

    b. The bottom of all openings shall be no higher than one (1) foot above grade.

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c. Openings shall be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Accessory structures

1. Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

a. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.

b. Floor area shall not exceed 100 square feet.

c. The structure will have a low damage potential.

d. The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.

e. Power lines, wiring, and outlets will be elevated to the regulatory flood elevation.

f. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.

g. Sanitary facilities are prohibited.

h. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

i. A minimum of two openings each on a separate wall having a net total area of not less than one (1) square inch for every square foot of enclosed space.

ii. The bottom of all openings shall be no higher than one (1) foot above grade.

iii. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

§295-1919. SPECIAL TECHNICAL REQUIREMENTS

A. Development Which May Endanger Human Life:

1. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances; or, will be used for any

activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or, will involve the production, storage, or use of any amount of radioactive substances; shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

a. Acetone
b. Ammonia
c. Benzene
d. Calcium carbide
e. Carbon disulfide
f. Celluloid
g. Chlorine
h. Hydrochloric acid
i. Hydrocyanic acid
j. Magnesium
k. Nitric acid and oxides of nitrogen
l. Petroleum products (gasoline, fuel oil, etc.)
m. Phosphorus
n. Potassium
o. Sodium
p. Sulphur and sulphur products
q. Pesticides (including insecticides, fungicides, and rodenticides)
r. Radioactive substances, insofar as such substances are not otherwise regulated.

B. Where permitted by a variance within the floodplain area, any new or substantially improved structure of the kind described in Subsection A., above, shall be:

1. elevated or designed and constructed to remain completely dry up to at least one and one half feet (1 ½) above the Base Flood Elevation and,

2. designed to prevent pollution from the structure or activity during the course of a base flood elevation.

3. Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

§295-2020. DESIGN AND CONSTRUCTION STANDARDS

A. The following minimum standards shall apply for all construction and development proposed within any Floodplain Conservation District:

1. Fill. If fill is used, it shall:

a. extend laterally at least fifteen (15) feet beyond the building line from all points;

b. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;

c. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;

d. be no steeper than one (1) vertical to two (2) horizontal, feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and

e. be used to the extent to which it does not adversely affect adjacent properties.

2. Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

3. Water and Sanitary Sewer Facilities and Systems

a. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

b. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

c. No part of any on-site sewage system shall be located within any Floodplain Conservation District except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

d. The design and construction provisions of the UCC and FEMA #348, Protecting Building Utilities From Flood Damages and The International Private Sewage Disposal Code shall be utilized.

4. Other Utilities. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

5. Streets. The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

6. Storage. All materials that are buoyant, flammable, explosive, or in times of flooding could be injurious to human, animal, or plant life, and not listed in Section 295-1919.A, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or flood proofed to the maximum extent possible.

7. Placement of Buildings and Structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water

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and shall be designed to have a minimum effect upon the flow and height of flood water.

8. Anchoring

    a. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

    b. All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

9. Floors, Walls and Ceilings

    a. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

    b. Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.

    c. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.

    d. Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other "water-resistant" material.

10. Paints and Adhesives

    a. Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.

    b. Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.

    c. All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.

11. Electrical Components

    a. Electrical distribution panels shall be at least three (3) feet above the base flood elevation.

    b. Separate electrical circuits shall serve lower levels and shall be dropped from above.

12. Equipment. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

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13. Fuel Supply Systems. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

14. Uniform Construction Code Coordination

    a. The Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this Article, to the extent that they are more restrictive and/or supplement the requirements of this Article.

        i. International Building Code (IBC) 2009 or the latest edition thereof: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

        ii. International Residential Building Code (IRC) 2006 or the latest edition thereof: Sections R104, R105, R109, R322, Appendix E and Appendix J.

§295-1921. ACTIVITIES REQUIRING SPECIAL PERMITS

A. General. In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the activities indicated in Sections 295-1921.B and 295-1921.C below shall be prohibited within any Floodplain Conservation District unless a Special Permit has been issued by Cheltenham Township. In order to apply for a special permit, a variance must first be obtained, as outlined in Section 295-1916.

B. The commencement of any of the following activities; or the construction enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

    1. Hospitals

    2. Nursing homes

    3. Jails or prisons

C. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

§295-1922. APPLICATION REQUIREMENTS FOR SPECIAL PERMITS

A. Applicants for Special Permits shall provide five copies of the following items:

    1. A written request including a completed Special Permit Application Form.

    2. A small scale map showing the vicinity in which the proposed site is located.

    3. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

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a. north arrow, scale and date;

b. topography based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of two (2) feet;

c. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;

d. the location of all existing streets, drives, other access ways, and parking areas, with information concerning widths, pavement types and construction, and elevations;

e. the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;

f. the location of the floodplain boundary line, information and spot elevations concerning the base flood elevation, and information concerning the flow of water including direction and velocities;

g. the location of all proposed buildings, structures, utilities, and any other improvements; and

h. any other information which the municipality considers necessary for adequate review of the application.

4. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:

a. sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;

b. for any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;

c. complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood elevation;

d. detailed information concerning any proposed floodproofing measures;

e. cross section drawings for all proposed streets, drives, other access ways, and parking areas, showing all rights-of-way and pavement widths;

f. profile drawings for all proposed streets, drives, and vehicular access ways including existing and proposed grades; and

g. plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

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5. The following data and documentation:

    a. certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;

    b. certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the base flood elevation;

    c. a statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a base flood elevation, including a statement concerning the effects such pollution may have on human life;

    d. a statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on base flood elevation elevations and flows;

    e. a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the base flood elevation and the effects such materials and debris may have on base flood elevation elevations and flows;

    f. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development;"

    g. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;

    h. any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and

    i. an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood.

§295-1923. APPLICATION REVIEW PROCEDURES

A. Upon receipt of an application for a Special Permit by Cheltenham Township the following procedures shall apply in addition to those of Section 295-1925:

    1. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and

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recommendations. Copies of the application shall also be forwarded to the Cheltenham Planning commission and Cheltenham engineer for review and comment.

2. If an application is received that is incomplete, Cheltenham Township shall notify the applicant in writing, stating in what respect the application is deficient.

3. If Cheltenham Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

4. If Cheltenham Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five (5) working days after the date of approval.

5. Before issuing the Special Permit, Cheltenham Township shall allow the Department of Community and Economic Development thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by Cheltenham Township.

6. If Cheltenham Township does not receive any communication from the Department of Community and Economic Development during the thirty (30) day review period, it may issue a Special Permit to the applicant.

7. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify Cheltenham Township and the applicant, in writing, of the reasons for the disapproval, and Cheltenham Township shall not issue the Special Permit.

§295-1924. SPECIAL TECHNICAL REQUIREMENTS

A. In addition to the aforementioned requirements of this Article, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those preceding requirements of this Article or in any other code, ordinance, or regulation, the more restrictive provision shall apply.

B. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:

1. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:

   a. the structure will survive inundation by waters of the base flood elevation without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the BFE,

   b. the lowest floor (including basement) will be elevated to at least one and one half (1 ½) feet above the Base Flood Elevation, and

c. the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood elevation.

2. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

C. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by Cheltenham Township and the Department of Community and Economic Development.

§295-1925. ADMINISTRATION

A. Designation of the Floodplain Administrator. The Zoning Officer] within the Department of Planning and Zoning is hereby appointed to administer and enforce this Article and is referred to herein as the Floodplain Administrator.

B. Permits Required. A Permit shall be required before any construction or development is undertaken within the Floodplain Conservation District. In the case of a proposed hospital, nursing home, jail, prison, or manufactured home park, the permit referred to here would be the Special Permit of Sections 295-1921 through 295-1923.

C. Duties and Responsibilities of the Floodplain Administrator

1. The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

2. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.

3. In the case of existing structures, prior to the issuance of any Development/Permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any repetitive loss issues can be addressed before the permit is issued.

4. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. The Floodplain Administrator shall make as many inspections during and upon completion of the work as are necessary.

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5. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the Floodplain Conservation District, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Article.

6. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the Township Board of Commissioners for whatever action it considers necessary.

7. The Floodplain Administrator shall maintain all records associated with the requirements of this Article including, but not limited to, permitting, inspection and enforcement.

8. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.

§295-1926. APPLICATION PROCEDURES AND REQUIREMENTS

A. Application for such a Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by Cheltenham Township. Such application shall contain the following:

   1. Name and address of applicant.

   2. Name and address of owner of land on which proposed construction is to occur.

   3. Name and address of contractor.

   4. Site location including address.

   5. Listing of other permits or variances required.

   6. Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.

B. If any proposed construction or development is located entirely or partially within any Floodplain Conservation District, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:

   1. All such proposals are consistent with the need to minimize flood damage and conform to the requirements of this and all other applicable codes and ordinances.

   2. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.

   3. Adequate drainage is provided so as to reduce exposure to flood hazards.

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4. Structures will be anchored to prevent floatation, collapse, or lateral movement.

5. Building materials will be flood-resistant.

6. Appropriate practices that minimize flood damage have been used.

7. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and/or located to prevent water entry or accumulation.

C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:

1. A completed Permit Application Form.

2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

   a. north arrow, scale, and date;

   b. topographic contour lines, if available;

   c. the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;

   d. the location of all existing streets, drives, and other access ways; and

   e. the location of any existing bodies of water or watercourses, the Floodplain Conservation District, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.

3. Plans of all proposed buildings, structures and other improvements, drawn at a scale of one (1) inch being equal to one hundred (100) feet or less showing the following:

   a. the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;

   b. the elevation of the base flood;

   c. supplemental information as may be necessary under 34 PA Code, the 2009 IBC or the 2009 IRC.

4. The following data and documentation:

   a. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood elevation; and detailed information concerning any proposed floodproofing measures and corresponding elevations.

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b. Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District without floodway when combined with all other existing and anticipated development, will not increase the base flood elevation at any point.

c. A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood elevation. Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.

d. Detailed information needed to determine compliance with Section 295-1920.A.6, Storage, and Section 295-1919.A, Development Which May Endanger Human Life, including:

i. the amount, location and purpose of any materials or substances referred to in Sections 2020.A.6 and 295-1919.A which are intended to be used, produced, stored or otherwise maintained on site, and

ii. a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 295-1919.A during a base flood.

e. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."

f. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

5. Applications for Permits shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the Floodplain Administration.

§295-1927. REVIEW BY COUNTY CONSERVATION DISTRICT

A. A copy of all applications and plans for any proposed construction or development in any Floodplain Conservation District to be considered for approval shall be submitted by the Floodplain Administrator to the County Conservation District for review and comment prior to the issuance of a Permit. The recommendations of the Conservation District shall be considered by the Floodplain Administrator for possible incorporation into the proposed plan.

§295-1928. REVIEW OF APPLICATION BY OTHERS

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A. A copy of all plans and applications for any proposed construction or development in any Floodplain Conservation District to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

§295-1929. CHANGES

A. After the issuance of a Permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to Floodplain Administrator for consideration.

§295-1930. PLACARDS

A. In addition to the Permit, the Floodplain Administrator shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Permit the date of its issuance and be signed by the Floodplain Administrator.

§295-1931. START OF CONSTRUCTION

A. Work on the proposed construction shall begin within 180 days after the date of issuance and shall be completed within twelve (12) months after the date of issuance of the Permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The term, 'start of construction' shall be understood as defined in Section 295-1906 of this Chapter.

B. Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request.

§295-1932. ENFORCEMENT

A. Notices. Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Article, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:

1. be in writing,

2. include a statement of the reasons for its issuance,

3. allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires,

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4. be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State, and

5. contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Article.

B. Penalties. Any person who fails to comply with any or all of the requirements or provisions of this Article or who fails or refuses to comply with any notice, order of direction of the Floodplain Administrator or any other authorized employee of the municipality shall pay a fine to Cheltenham Township, of not less than $300 nor more than $1,000 per violation plus costs of prosecution. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Article. The imposition of a fine or penalty for any violation of, or noncompliance with, this Article shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Article may be declared by the Township Board of Commissioners to be a public nuisance and abatable as such.

§295-1933. APPEALS

A. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Article, may appeal to the Township Board of Commissioners. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Floodplain Administrator.

B. Upon receipt of such appeal the Township Board of Commissioners shall set a time and place, within not less than ten (10) or not more than thirty (30) days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.

C. Any person aggrieved by any decision of the Township Board of Commissioners may seek relief there from by appeal to court, as provided by the laws of this State including the Pennsylvania Flood Plain Management Act.

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ARTICLE XX

RCO Riparian Corridor Conservation

OVERLAY DISTRICT

§295-2000. LEGISLATIVE INTENT

A. In expansion of the community development objectives contained in Article I, Section 295-1, of this chapter and in support of the goals and recommendations of the Cheltenham Township Comprehensive Plan, the Cheltenham Township Open Space Plan, and all other adopted plans relating to environmental and water resource management in Cheltenham Township, it is the intent of this article to provide reasonable controls governing the conservation, management, disturbance, and restoration of riparian corridors under authority of Article I, Section 27 of the Pennsylvania Constitution, Act 247, the Municipalities Planning Code, as amended, and other Commonwealth and Federal statutes. In addition, the specific intent and purposes of this article are to:

1. Improve surface water quality by reducing the amount of nutrients, sediment, organic matter, pesticides, and other harmful substances that reach watercourses, wetlands, and water bodies by using scientifically- proven processes including filtration, deposition, absorption, adsorption, plant uptake, and denitrification, and by improving infiltration, encouraging sheet flow, and stabilizing concentrated flows.

2. Improve and maintain the safety, reliability, and adequacy of the water supply for domestic, agricultural, commercial, industrial, and recreational uses along with sustaining diverse populations of aquatic flora and fauna.

3. Preserve and protect areas that intercept surface water runoff from upland sources and function to remove or buffer the effects of associated nutrients, sediment, organic matter, pesticides, or other pollutants prior to entry into water bodies, as well as provide wildlife habitat, moderate water temperature in water bodies, and provide opportunities for passive recreation.

4. Regulate the land use, siting, and engineering of all development to be consistent with the intent and objectives of this ordinance and accepted conservation practices, and to work within the carrying capacity of existing natural resources.

5. Assist in the implementation of pertinent state laws concerning erosion and sediment control practices, specifically Erosion Control, of the Pennsylvania Clean Streams Law, Act 394, P.L. 1987, Chapter 102 of the Administrative Code (as amended October 10, 1980 Act 157 P.L.), Title 25, and any subsequent amendments thereto, as administered by the Pennsylvania Department of Environmental Protection and the Montgomery County Conservation District.

6. Conserve the natural features important to land or water resources such as headwater areas, groundwater recharge zones, floodway, floodplain, springs, streams, wetlands, woodlands, prime wildlife habitats and other features that provide recreational value or contain natural amenities that exist on developed and undeveloped land.

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7. Work with floodplain, steep slopes, and other ordinances that regulate environmentally sensitive areas to minimize hazards to life, property, and riparian features.

8. Support the goals and practices of Stormwater Management Plan for the Tookany/Tacony-Frankford Designated Watershed, as adopted by Cheltenham Township and as amended.

9. Recognize that natural features contribute to the welfare and quality of life of the Cheltenham Township residents.

10. Conserve natural, scenic, and recreation areas within and adjacent to riparian areas for the community's benefit.

§295-2001. APPLICABILITY

A. The Riparian Corridor Conservation District is an overlay district that applies to lands adjacent to streams, including any adjacent wetlands and/or water bodies draining into the identified stream, as specifically delineated in §295-2002 herein.

B. The Riparian Corridor Conservation District regulations shall apply when:

1. A plan is submitted for Land Development and/or the Subdivision of Land.

2. A Building Permit application is submitted for construction of a new structure and/or an expansion of an existing structure within 100' of a mapped stream.

C. Lots containing legally existing structures shall not be subject to the requirements of this ordinance unless and until they are the subject of either B.1 or B.2 listed above. Existing nonconforming uses and structures shall be permitted to expand to the extent permitted by this Chapter.

D. Any lands within one-hundred feet (100') of a stream that are wholly separated from that stream by a public or private street or way shall be exempt from the regulations contained in this article and shall not be considered to be within the Riparian Corridor Conservation District.

§295-2002. BOUNDARY DEFINITION AND INTERPRETATION

A. Boundary application. The Riparian Corridor Conservation District is an overlay district that applies to lands adjacent to streams, wetlands, and water bodies, as specified in the following table:

Water Feature	Minimum Corridor Width

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1. Mapped Streams As mapped on the adopted "Cheltenham Township Riparian Corridor Conservation District Map," (*Attachment A, as amended*) including any adjacent wetlands and/or water bodies.	**Zone One:** Minimum width of 25 feet from each defined edge of the stream at bank full flow, measured perpendicular to the edge of the stream. **Zone Two:** Minimum width of 75 feet from the outer edge of Zone One, measured perpendicular to the edge of Zone One, or equal to the extent of the 100-year floodplain[1], or 25 feet beyond the outer edge of a wetland along the stream, whichever is greater.
2. Unmapped Streams Any perennial stream[2], located on a property survey by a design professional licensed in the Commonwealth of Pennsylvania, including any adjacent wetlands and/or water bodies draining into the identified stream.	**Zones One:** Minimum width of 25 feet from each defined edge of the stream at bank full flow, measured perpendicular to the edge of the stream. **Zone Two:** Minimum width of 75 feet from the outer edge of Zone One, or equal to the extent of the 100-year floodplain, or 25 feet beyond the outer edge of a wetland along the stream, whichever is greater.

[1]100-year floodplain shall be defined according to the criteria of Article XIX, Floodplain Conservation District.

[2]A "perennial stream" shall mean any waterway that has continuous flow in parts of its bed all year round.

B. Zone Designation Adjustment for Steep Slopes. Where steep slopes in excess of 15 percent are located within Zone Two (as defined in Section §295-2002.A. above), Zone One shall be extended to include the steeply sloped area. Steep slopes shall be determined according to the criteria of Zoning Code Article XXIII, Steep Slope Conservation District. Final determination of steep slope area shall be at the discretion of the Township Zoning Officer.

C. Zone One and Zone Two boundary locations shall be measured from the defined edge of the stream channel at bank-full flow, or from the defined top of bank, whichever is greater. In cases where a stream is channeled using stone or concrete walls, or some other method, the inner edge of the top of the wall shall define the edge of the stream channel.

D. When a submission as identified in §295-2001.B, is made to Cheltenham Township, it shall be the applicant's responsibility to identify and accurately locate all streams, wetlands, and water bodies on the applicant's site and within 100 feet of the applicant's property boundaries. All Zone One and Zone Two Riparian Corridor boundaries, as defined and adjusted in §295-2002.A and B and §295-2003, shall also be identified by the applicant. Plans for Land Development and Subdivision of Land shall be prepared by a design professional licensed in the Commonwealth of Pennsylvania, and shall be reviewed by the Township Zoning Officer for correctness.

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E. Boundary Dispute. The Zoning Officer, Township Engineer and/or other such advisors selected by the Board of Commissioners, shall make all determinations related to the boundaries of the Riparian Corridor Conservation District. Any party that alleges there is an error in any such determination, or other decision or determination under this Article, may appeal to the Township Zoning Hearing Board as provided in Article XXX.

F. Terminology. Technical terminology used in this article shall be interpreted to have the meanings used and recognized by the Pennsylvania Department of Environmental Protection. Interpretation and final determination shall be made by the Township Zoning Officer.

§295-2003. BOUNDARY ADJUSTMENTS

A. The boundaries of the Riparian Corridor Conservation District, as identified in §295-2002, shall be adjusted in compliance with the following:

1. All properties measuring less than one acre shall be permitted to reduce Zone One to ten feet (10′), and Zone Two to an additional twenty-five feet (25′), measured from the edge of Zone One, for a total buffer width of thirty-five feet (35′).

2. If any structure legally existing at the time of the passing of this article lies within one hundred feet (100′) of the defined edge of a stream, in whole or in part, Zone Two requirements shall not apply. Zone One requirements shall apply as specified herein (10′ for properties less than one acre; 25′ for properties greater than one acre).

3. If any parking lot or driveway legally existing at the time of the passing of this article lies within twenty-five feet of the defined edge of a stream (and/or within Zone One), and that parking area or driveway is proposed to be redeveloped or reconfigured as part of a Land Development application, the proposed paved area shall not encroach upon the stream buffer any more than the existing paved area already does. The proposed paved area shall be located a minimum of five feet (5′) away from the defined edge of the stream, even if the existing paved area is closer to the stream, and the remaining five (or more) feet shall be vegetated. This requirement only applies when the paved area is the subject of a land development application; this does not apply to regular maintenance such as re-paving of an existing parking lot or driveway.

§295-2004. USES PERMITTED IN THE RIPARIAN CORRIDOR CONSERVATION DISTRICT

A. The following uses are permitted in the Riparian Corridor Conservation District in compliance with the requirements of this article, provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other code or chapter:

1. Uses permitted within both Zone One and Zone Two:

a. Open space uses that are primarily passive in character, including wildlife sanctuaries, nature preserves, forest preserves, fishing areas, and passive areas of public and private parklands.

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b. Walking paths and recreational trails, constructed in compliance with Chapter 102, Title 25, of the Pennsylvania Administrative Code, entitled "Erosion and Sediment Control." Trails shall be located a minimum of five feet (5') away from of the defined edge of a stream, except that periodic look-out points shall be permitted to allow users access to the stream.

c. Maintenance of vegetation and plant materials, including gardening, landscaping, tree and shrub pruning, and lawn mowing and edging.

d. Streambank stabilization and channel restoration activities as approved and/or conducted by the Township of Cheltenham.

e. Corridor crossings, by special exception only, for driveways, roadways, paved trails, railroads, and utilities, provided the stream crossing design standards and mitigation requirements of §295-2007 are satisfied.

B. Uses permitted within Zone Two only (not permitted within Zone One):

1. New /proposed accessory structures having an area equal to or less than 400 square feet and otherwise meeting the dimensional requirements of the underlying zoning district. New/proposed accessory structures shall not be located within Zone One, except as allowed in §295-2003 herein, including but not limited to sheds, and garages.

2. Required yard areas proposed as part of a Subdivision or Land Development shall be permitted in Zone Two but shall not include any lands located in Zone One. Required yard areas shall be measured from the edge of Zone One where it is closest to the proposed structure and/or building envelope.

3. Active recreation areas such as ball fields, playgrounds, golf courses, swimming pools, and sports courts, provided these uses are designed in a manner that will not permit accelerated erosion as defined and regulated Chapter 290 of the Township Code – Watershed Stormwater Management.

4. Centralized sewer and/or water lines and public utility transmission lines. When proposed as part of a subdivision or land development, the mitigation requirements of §295-2007 shall be satisfied. In all cases, utility lines shall be located at least thirty-five feet (35') from Zone One, or a minimum of sixty feet (60') from the top of the stream bank, whichever is greater.

§295-2005. USES SPECIFICALLY PROHIBITED IN THE RIPARIAN CORRIDOR CONSERVATION DISTRICT

A. Any use or activity not authorized in §295-2004 shall be prohibited within the Riparian Corridor Conservation District, and the following uses and activities are specifically prohibited:

1. Roads and driveways, except where permitted as corridor crossings in compliance with §295-2007.

2. Parking lots, except as permitted in compliance with §295-2003.

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3. Subsurface sewage disposal areas.

4. Storm water detention basins.

5. The keeping or presence of fowl or poultry.

§295-2006. INSPECTIONS OF THE RIPARIAN CORRIDOR CONSERVATIONS DISTRICT

A. Cheltenham Township shall have the right to inspect lands within or adjacent to an identified Riparian Corridor Conservation District when:

1. A plan is submitted for Land Development or Subdivision of Land.

2. A Building Permit application is submitted for construction of a new structure and/or an expansion of an existing structure within one hundred feet (100') of a mapped stream.

3. The Riparian Corridor Conservation District may also be inspected periodically by Cheltenham Township for compliance with an approved restoration plan, excessive or potentially excessive erosion, or at any time when the presence of an unauthorized activity or structure is brought to the attention of the Township.

§295-2007. CORRIDOR CROSSING STANDARDS

A. All corridor crossings permitted under §295-2004, herein, shall incorporate, as required, the following design standards:

1. The width of the proposed right-of way shall not be greater than the minimum right-of-way width required by the Subdivision and Land Development Ordinance.

2. Crossings shall be designed to cross the riparian corridor at direct right angles (+/- 10 degrees) in order to minimize disturbance of the corridor.

3. Crossings shall be separated by a minimum of 1,000 feet of buffer length.

4. Bridges shall be used when crossings would require a 72-inch or greater diameter pipe. When culverts are installed they shall consist of slab, arch, or box culverts and not corrugated metal pipe. Culverts shall be designed to retain the natural channel bottom to ensure the passage of water during low flow or dry weather periods.

5. Mitigation Measures. Corridor crossings permitted in §295-2004 shall be mitigated by increasing the width of the corridor as replacement for the area lost due to the encroachment, so that the total corridor area (land area within Zone One and Zone Two) for each applicable side of the stream or water body is equal to that required by §295-2001.

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ARTICLE XXII

SSO Steep Slope Conservation

OVERLAY DISTRICT

§295-2100. LEGISLATIVE INTENT

A. The specific intent of the Steep Slope Conservation District shall be to conserve and protect those areas having steep slopes, as defined herein, from inappropriate development and excessive grading, as well as to permit and encourage the use of said areas for open space purposes, so as to constitute a harmonious aspect of the continuing physical development of the Township of Cheltenham. In implementing these principals and the general purposes of the Comprehensive Plan and this chapter, the following specific objectives are intended to be accomplished by the adoption of the Steep Slope Conservation District:

1. To combine with other zoning requirements, as an overlay, certain restrictions for steep slope areas to promote the general health, safety and welfare of the residents of the Township of Cheltenham.

2. To encourage appropriate low-impact development of steep slope areas in order to avoid potential dangers for human usage caused by erosion, stream siltation, soil failure leading to structural collapse or damage and/or unsanitary conditions and associated hazards.

3. To minimize danger to public health and safety by promoting safe and sanitary drainage.

4. To permit only those uses in steep slope areas that are compatible with the preservation of existing natural features, including vegetation cover, by restricting the grading of steep slope areas.

5. To promote the provision of safe and reliable accessways, parking areas, structures and utility systems serving development on or around steep slope areas, where more sensitive grading and siting is essential.

§295-2101. BOUNDARY DEFINITION; EXEMPTIONS

A. The Steep Slope Conservation District on a property is defined and established as follows:

1. Areas on a property having a terrain gradient of 15% or greater over the contour interval based on a current topographic survey prepared by a design professional licensed to practice in the Commonwealth of Pennsylvania and retained by the applicant.

2. The maximum contour interval shall be two feet.

3. No distinction shall be made between original or man-made steep slope areas except as provided herein.

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4. The Township Engineer shall review the applicant's steep slope determination for correctness.

5. If the Township Engineer makes a determination that the applicant's steep slope mapping is in error, the applicant shall revise his steep slope mapping (including additional field work), as required.

B. Exemptions.

1. All developed lots of 10,000 square feet or less with buildings, structures, etc., thereon that are in existence at the time of adoption of this article are exempt from the provisions of this article.

2. Upon consultation with the Township Engineer, the Township Zoning Officer may except man-made slopes from the provisions of this article if the alteration, regrading, clearing or construction upon such slope can be accomplished without causing erosion of the slope and will not result in soil failure, stream siltation and contamination of surface waters and/or an increase in the total runoff into any watercourse or an increase in the point discharge levels or velocities at any given point of collection and discharge and will not be injurious to the health, safety and welfare of Township residents. It shall be the burden of the applicant to demonstrate that the slopes were man-made and to establish the absence of impact in accordance with the criteria stated herein.

§295-2102. OVERLAY CONCEPT

A. The Steep Slope Conservation District shall be deemed to be an overlay on any zoning district(s) now or hereafter enacted to regulate the use of land in the Township of Cheltenham.

B. The Steep Slope Conservation District shall have no effect on the permitted uses in the underlying zoning district, except where said uses intended to be located within the boundaries of the Steep Slope Conservation District, as defined herein, are in conflict with the permitted uses set forth in this article.

C. In areas of the Township where the Steep Slope Conservation District applies, the requirements of the Steep Slope Conservation District shall supersede the requirements of the underlying zoning district(s).

§295-2103. LAND USE AND DEVELOPMENT REGULATIONS

A. The following land use and development regulations shall apply:

1. For areas on a property having a terrain gradient of less than 15%, as defined herein, the Steep Slope Conservation District shall not apply.

2. For areas on a property having a terrain gradient of 15% or more, as defined herein, the Steep Slope Conservation District shall apply, and only those uses permitted in § 295-2104 of this article shall be permitted.

§295-2104. PERMITTED USES

A. The following uses shall be permitted in the Steep Slope Conservation District without the submission of a lines and grades plan:

1. Wildlife sanctuary, woodland preserve, arboretum and passive recreation areas, including parks, but excluding enclosed structures.

2. Cultivation and harvesting of crops in accordance with recognized soil conservation practices.

3. Nonstructural accessory uses necessary for the operation and maintenance of the above permitted uses.

4. Similar uses to the above which are in compliance with the intent of this article.

B. The following uses shall be permitted in the Steep Slope Conservation District upon review and approval by the Township Engineer of a lines and grades plan submitted by the applicant and prepared in accordance with the requirements of § 295-2105.

1. Sealed public water supply wells.

2. Sanitary or storm sewers and stormwater management facilities.

3. Underground utility transmission lines.

4. On-site sewage disposal systems, when constructed in compliance with the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535, as amended, 35 P.S. § 750.1 et seq., as may be amended from time to time.

§295-2105. APPLICATION REQUIREMENTS FOR VARIANCES

A. Any application concerning a use requiring a variance from the requirements of this article shall be accompanied by a lines and grades plan(s), submitted on sheets 24 inches by 36 inches, or smaller (minimum scale one inch = 20 feet), prepared by a design professional licensed to practice in the Commonwealth of Pennsylvania.

B. The lines and grades plan(s) shall include, but not be limited to, the following data/information:

1. The location of the project site relative to streets, highways, municipal boundaries or other identifiable landmarks.
2. Location and elevation of project elevation benchmark (on Cheltenham Township sanitary sewer datum).

3. Existing and proposed contours at intervals of two feet or less and approved by the Township.

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4. Spot elevations at key points.

5. Elevations of the following, as applicable:

    a. Top of foundation wall.

    b. Basement floor.

    c. Garage floor.

    d. First floor.

    e. Top of retaining wall.

    f. Bottom of retaining wall reveal.

6. Existing streams, lakes, ponds or other bodies of water within the project site.

7. Other physical features, including flood hazard boundaries, sinkholes, steams, existing drainage courses and areas of natural vegetation to be preserved.

8. The locations of all existing and proposed utilities, sanitary sewer, septic systems and water lines on and within 25 feet of the project site.

9. Proposed final changes to the land surface and vegetative cover, including the type and amount of impervious area that would be added.

10. Existing and proposed final structures, roads, paved areas and buildings.

11. Building setback lines.

12. Delineation of existing and proposed areas whose terrain gradient falls within the 15% to 25% range.

13. Delineation of existing and proposed areas whose terrain is greater than 25%.

14. Sediment and erosion control measures with details/notes thereof.

15. Tabulation of the following data:

    a. Property owner (street address, phone numbers).

    b. Developer/contractor (street address, phone numbers).

    c. Block and unit numbers.

    d. Area of property.

    e. Zoning classification.

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f. Area of existing structures.

g. Area of proposed structures.

h. Percent building coverage, existing and proposed.

i. Area of existing impervious surfaces.

j. Area of proposed impervious surfaces.

k. Percent of impervious surface, existing and proposed.

§295-2106. EXISTING USES

A. Following the adoption of this article, any use or structure which is situated within the boundaries of the Steep Slope Conservation District and which does not conform to the permitted uses specified by § 295-2104 of this article shall become a nonconforming use or structure, regardless of its conformance to the district in which it is located without consideration of this article. The expansion or continuance of said nonconforming use or structure shall be governed by the requirements of Article XXVII of this chapter.

§295-2107. TOWNSHIP LIABILITY

A. The granting of a zoning permit or approval of a subdivision or land development plan on or near the Steep Slope Conservation District shall not constitute a representation, guaranty or warranty of any kind of the Township of Cheltenham or by any official or employee thereof of the practicality or safety of the proposed use and shall create no liability upon Cheltenham Township, its officials or employees. The degree of erosion and sediment control protection intended to be provided by this article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. This article does not imply that areas outside the Steep Slope Conservation District boundaries or land uses permitted within said district will always be totally free from the adverse effects of erosion.

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ARTICLE XXII

PRESERVATION OVERLAY

§295-2200. LEGISLATIVE INTENT

A. In the interest of public health, safety, and welfare, the provisions of this article are intended:

1. To encourage innovation and to promote flexibility, economy, and ingenuity in the residential development of large tracts, including subdivisions and land developments.
2. To provide an effective means of responding to site conditions for the preservation of floodplains, wetlands, streams, valleys, woodlands, and other natural and scenic features and historic resources in a manner consistent with Township policy.
3. To provide for the creation, retention and protection of historic sites and open space areas and to attain the objectives of the Comprehensive Plan with regard to open space preservation, orderly growth and enhancement of environmental resources

§295-2201. DISTRICT ESTABLISHED

A. The Preservation Overlay District is defined and established to include and be an overlay upon all parcels having five or more acres at the time of adoption of this Ordinance, and any residential site with a development proposal of eight dwelling units or more within any residential district designated on the Cheltenham Township Zoning Map.

§295-2202. GENERAL REGULATIONS

A. Preservation areas. A development in this district shall provide for preservation of Historic Resources and/or the preservation of open space and natural features and environmentally sensitive areas, to the most restrictive degree prescribed in this Chapter. Such buildings and structures shall be properly maintained whether used or left vacant in accordance with all Township codes.

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ARTICLE XXIII

PARKING & LOADING

§295-2300. LEGISLATIVE INTENT

A. In expansion of the Declaration of Legislative Intent found in Article I of this Ordinance and the Statement of Community Development Objectives found in Article I, the purpose of this Article, among others, is as follows:

1. Allow flexibility in addressing parking, loading, and access by permitting construction of a reduced number of parking spaces under appropriate conditions.
2. Set reasonable standards and provide reasonable controls to assure sufficient parking capacity for the uses or potential uses of land in the Township.
3. Prevent hazards to public safety caused by the intrusion of parking upon public rights-of-way.

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§295-2301. GENERAL PARKING REGULATIONS

A. All parking areas must meet the requirements of the Township Subdivision and Land Development Ordinance and the Stormwater Management Ordinance.
*Editor's Note: See Ch. **260**, Subdivision and Land Development, and Ch. **253**, Stormwater Management.*

B. Pedestrian access. Safe provisions for pedestrian access to and through a parking lot shall be required. Surface parking areas and pedestrian walkways connecting to them shall be well-lit.

C. Parking lots fronting on a street shall be continuously screened by a three-foot high wall/fence or plantings. Commercial parking lots located to the side or rear of the property adjacent to a residential use shall be continuously screened by a six-foot high wall/fence or plantings. Native landscaping is preferred. Screening shall include:

1. Plantings, at a maximum of 36 inches in mature height; or
2. Mixed plantings (trees and shrubs); or
3. Wall sections, with no wall break more than nine feet, and landscaping to provide a continuous screen.
4. Vehicular access. Vehicular access to surface parking shall be from an alley or side street where possible.
5. Location of surface parking: (See Figure 1.)

Editor's Note: Figure 1 is included at the end of this chapter.)

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a. Surface parking shall be located to the rear of the principal building or to the side (however, parking shall not be located between a building and the street).

b. Parking shall be set back 10 feet from the legal right-of-way.

c. Corner lots. Surface parking shall not be permitted on corner lots that are located on collector or arterial roads as defined by the Cheltenham Township Comprehensive Plan. Parking shall not be the primary use of such corner lots.

d. Off-street surface parking shall not extend more than 70 feet in width along any pedestrian street frontage without an outdoor cafe, urban garden, plaza, square, courtyard, or landscaping feature with seating.

6. Interconnected parking areas. New parking areas on abutting nonresidential lots should be interconnected by access driveways. Each nonresidential lot shall provide cross-access easements for its parking areas and access driveways guaranteeing access to adjacent lots for future connections. Interconnections shall be logically placed and easily identifiable to ensure convenient traffic flow.

D. Surface parking space design standards.

1. Marking of spaces. Nonresidential parking spaces and multifamily parking spaces shall be striped on pavement or designated with some other form of permanent marking.

2. Dimensions.

a. Standard spaces. A required off-street parking space shall be at least nine feet in width and 18 feet in length exclusive of any access drives, aisles, or columns.

b. Parallel parking. Parallel parking spaces shall be at least 22 feet in length and 10 feet in width.

c. Aisles shall not be less than 24 feet wide for ninety-degree parking, 16 feet wide for sixty-degree parking, 14 feet wide for 45 degree parking and 12 feet wide for parallel parking (See Figure 2.)
Editor's Note: Figure 2 is included at the end of this chapter.

3. The angle shall be measured between the center line of the parking space and the center line of the aisle. No parking shall be allowed in the aisles. Driveway entrances shall not exceed 24 feet when crossing sidewalks.

4. Parking use requirements. Parking space requirements by use or multiple uses on a site shall follow the standards found in the following tables or follow the standards from §**295-2301.D.7**, On-site parking reduction.

5. Bicycle parking. Parking lots containing more than fifty (50) spaces, shall provide one bicycle parking space for every 10 parking spaces in bike racks in close proximity to the building entrance.

6. Maximum parking. No more than 120% of the required minimum parking is permitted.

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7. On-site parking reduction.

   a. For existing uses or existing parking lots, parking spaces cannot be reduced below the minimum required parking under this article or the number of existing spaces on the property whichever is less.

   b. For each application submitted to the Township, the applicant shall supply the required parking, except that for each use the Township Zoning Officer may reduce the number of required on-site spaces up to 100% based on a parking study provided by the applicant that demonstrates that parking spaces are supplied. Parking spaces can only be counted once. On-site parking can be reduced up to 100% if the requirements are met by one of the following or a combination of the following to meet the necessary requirements:

      i. The use is located within 400 feet walking distance from a public parking facility. The use can count up to maximum of 10% of the public parking facility.

      ii. On-street parking is provided directly in front of the building.

      iii. Shared parking meets the requirements of §**295-2301.F**.

      iv. The use is within 400 feet of a train station. The use can count up to maximum of 10% of the train station parking facility.

E. Parking Requirements by Land Use:

Land Use Type	**Spaces Required**
Entertainment/Recreation Uses:	
Athletic Club	1 per 250 feet of gross floor area
Gallery and Museum	1 per 850 square feet of gross floor area
Indoor Amusements	1 per 250 square feet of gross floor area
Indoor Recreation	1 per 250 square feet of gross floor area Bowling Alleys shall have 3 per lane
Studios of art, dance, music, or photography	1 per 800 square feet of gross floor area
Theater	1 per 5 seats
Industrial Uses	
General manufacturing, industrial, or processing	1 for each 1,000 square feet of gross floor area, excluding office space. Office uses shall follow the office space requirements.
Research and development, laboratories	1 for every 600 square feet of gross floor area, excluding office space. Office uses shall follow the office space requirements.
Storage facility (self-service)	1 per 5,000 square feet of gross floor area
Institutional Uses	

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Business school, college, and university	1 for each student classroom, plus 1 for each 5 students or 1 for each 3 auditorium or stadium seats, whichever is greater
Group quarters (including group home, boardinghouses, rooming houses, and dormitories)	1 for each bed, plus 1 for each eight beds for guest parking
Day care	1 for each 5 children or attendees
Extended care (convalescent hospitals, nursing homes, and residential care homes)	1 per 3 beds
Funeral homes	1 per 100 square feet of gross floor area in parlors or assembly areas
Community center	1 per 150 square feet of gross floor area
Event Facility	1 per 100 square feet of gross floor area dedicated to patron use exclusive of kitchens and storage areas but including non-landscaped outdoor areas intended for patron use such as patios or porches.
Hospital	1.5 per patient bed
Private or fraternal clubs	1 per 150 square feet of gross floor area
Worship space	1 per 100 square feet of gross floor area. For multiuse worship spaces, if the aggregate accessory uses comprise more than 10% of the total building area, parking shall comply with the standards for the other uses
High school	8 for each classroom
Elementary school	2 for each classroom
Veterinary clinic	1 for each 400 square feet of gross floor area,
Residential Uses	
Mobile homes (in mobile home parks)	2 for each mobile home, plus 1 guest space for each two units
Multifamily	1.5 per unit
Single-family detached, attached, and semidetached	2 per unit
Retail Uses	
Automobile sales	1 for each 300 square feet of gross floor area
Bar or tavern	1 per 100 square feet of gross patron floor area
Restaurant	
For the CDEP areas:	
Fast-food restaurant	No parking is required for the first 300 square feet of gross patron floor area; 1 is required per each additional 75 square feet of gross patron floor area
Other restaurant	No parking is required for the first 400 square feet of gross patron floor area; 1 is required per each additional 100 square feet of gross patron floor area

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Other areas:	
Fast-food restaurant	1 per 75 square feet of gross patron floor area
Other restaurant	1 per 100 square feet of gross patron floor area
Retail:	
For the CDEP areas	No parking is required for the first 450 square feet of gross floor area of space devoted to sales/service; 1 is required for each additional 300 square feet of gross floor area of space devoted to sales/service.
Other areas	1 for every 300 square feet of gross floor area of space devoted to sales/service.
Shopping center	The sum of the spaces required for each individual use, unless shared parking is established consistent with § **295-2301.F**
Supermarket	1 for every 300 square feet of gross floor area
Service Uses:	
Bank	4 per indoor teller window
With walk-up ATM	(As above, plus 2 per ATM)
Bed-and-breakfast inn and house	One off-street parking space for the owner-occupant and one additional off-street parking space per guest room shall be required. Tandem parking may be used. Off-street parking areas not more than two hundred (200') feet from the building and secured by deed, lease, or other contract for guest use may be used to satisfy the parking requirement.
Car Wash	5 per lane
Funeral Home	1 for each 100 square feet of gross patron floor area
Dry Cleaning	1 for each 300 square feet of gross patron floor area
Service station	0.5 per pump
Hotel/motel	1 per rental unit, plus 1 per 200 square feet of gross floor area in common or public use (lobby, bar, meeting rooms, etc.)
Medical office	1 for each 300 square feet of gross floor area
Office:	
For the CDEP areas	No parking is required for the first 400 square feet of gross floor area; 1 per each additional

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	300 square feet of gross floor area
Other areas	1 for every 300 square feet of gross floor area
Personal service:	
For the CDEP areas	No parking is required for the first 450 square feet of gross floor area space devoted to sales/service; 1 is required for each additional 300 square feet of gross floor area of space devoted to sales/service.
Other areas	1 for every 300 square feet of gross floor area of space devoted to sales/service
Self-service laundry	1 for every 3 washing or drying machines, whichever is greater
Vehicular service station	1 per 400 square feet of gross floor area or 3 per service bay, whichever is greater

F. Shared parking. Shared parking is permitted for one property with multiple uses and/or between multiple properties. A shared parking agreement (for two uses) or a shared parking district (for more than two uses), which involves a written contractual agreement between users, is required. A shared parking agreement allows users an opportunity, if they choose, to redesign parking lots to be more efficient in serving multiple users. This may consist of making new curb cuts between parking lots, restriping lots, or redesigning internal traffic circulation and pedestrian walkways.

1. Users shall be required to show shared parking is less than 1,600 feet from the use.

2. The minimum amount of shared parking required shall be calculated according to the following formula (See table: Shared Parking Calculations.):

   a. Calculate the minimum amount of parking required for each land use as if it were a separate use.

   b. To determine peak parking requirements, multiply the minimum parking required for each proposed land use by the corresponding percentage in the table below for each of the six time periods.

   c. Calculate the column total for each of the six time periods.

   d. The column (time period) with the highest value shall be the minimum parking requirement.

Shared Parking Calculations

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	Monday through Friday			Saturday and Sunday		
Uses	**8:00 a.m. to 6:00 p.m.**	**6:00 p.m. to Midnight**	**Midnight to 8:00 a.m.**	**8:00 a.m. to 6:00 p.m.**	**6:00 p.m. to Midnight**	**Midnight to 8:00 a.m.**
Residential	60%	100%	100%	80%	100%	100%
Office	100%	10%	5%	5%	5%	5%
Commercial	90%	80%	5%	100%	60%	5%
Hotel	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	10%	70%	100%	20%
Movie theater	40%	80%	10%	80%	100%	10%
Entertainment	40%	100%	10%	80%	100%	50%
Institutional (nonreligious institution)	100%	40%	5%	10%	10%	5%
Religious institution	20%	40%	5%	100%	50%	5%

G. Parking garages.

1. Retail store fronts or other business uses on the street level shall be required on collector or arterial roads as defined by the Cheltenham Township Comprehensive Plan, to provide vitality.

2. For structures not on a collectors or arterials, parking garages shall have a minimum setback of thirty (30) feet from the public right-of-way and must meet any more restrictive setback or other yard requirements for the zoning district in which it is located. A minimum twenty (20) foot wide planting strip shall be provided between the face of the parking deck and the public right of way.

3. Undecorated appearances of parking structures are not permitted. Structures shall have design treatments such as colonnades, arcades, awnings, landscaping, street furniture,

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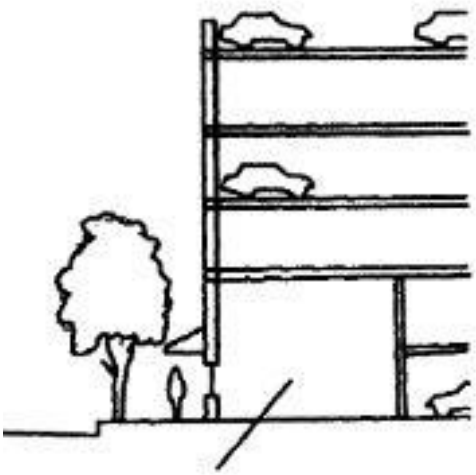
and other public amenities to create the appearance of an occupied building. Blank walls are not permitted.

4. Cars shall be visually screened from adjacent buildings and the street and such screening shall be in keeping with the rest of the building's architectural style and materials.

5. Vehicular access for parking garages shall be from alleys, placed underground, or located behind or to the side of a building. (If located to the side of a building, the garage must be setback from the front of that building not less than 10 and no more than 15 feet.)



Retail store front within a parking garage

H. Loading.

1. Service and loading areas must be visually screened from the street and pedestrian ways. For new construction, service and loading must be behind the building. Loading docks shall not be on the main street but to the side and rear of the building.

2. Loading spaces shall be 12 feet in width, 40 feet in length with 14 feet of vertical clearance.

3. Buildings over 100,000 square feet shall have a single loading dock. For every additional 200,000 square feet, one additional loading dock shall be added.

4. Loading areas shall be lit to provide security and safety; however lighting shall be shielded to prevent glare onto adjacent properties.

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ARTICLE XXIV

SIGNS

§295-2400. LEGISLATIVE INTENT

A. It is the intent of this article to regulate signs to ensure that they are appropriate for their respective principal uses and in keeping with the appearance of the affected property and surrounding environment. Illustrations, which present typical examples of signs, are provided for in this section to document the intent of the article.

B. It is the intent of this section to:

1. Allow adequate signage for the economic vitality of businesses and the appropriateness of use while minimizing clutter, confusion and the unsightliness of excessive signage.

2. Establish criteria designed to encourage signs that are compatible with their surroundings, appropriate to the type of activity to which they pertain, expressive of the identity of individual proprietors and legible in the environment in which they are seen.

3. Allow for the coordination of signs to reflect the character of the architecture, landscape and visual themes that the Township is supporting.

§295-2401. DEFINITIONS

A. As used in this article, the following terms shall have the meanings indicated:

1. **SIGN** A structure, building wall, indoor surface visible to the outside or outdoor surface or any device used for visual communication which directs attention to an object, product, place, activity, person, organization or business.

B. Sign Types and Illuminations:

1. ADVERTISING SIGN — An off-premises sign that advertises or otherwise directs attention to a commodity, business, industry, home occupation, activity or event which is sold, offered or conducted elsewhere than on the lot upon which the sign is located, e.g., billboard.

2. ANIMATED SIGN — A sign with action or motion, flashing or color changes requiring electrical energy, but not including window-displayed computer monitors or wind-actuated elements such as flags, banners or novelty items, e.g., reader board.

3. AWNING— A building element consisting of soft or rigid material, including canvas, fabric, metal or similar material, that is supported by an underlying framework that is affixed to a building facade. An awning may or may not be fixed or be equipped with a mechanism for raising and holding the awning in a retracted position against the building facade. An awning shall not project more than four feet from the building facade and at no point shall it extend above the parapet wall or eave line of the roof.

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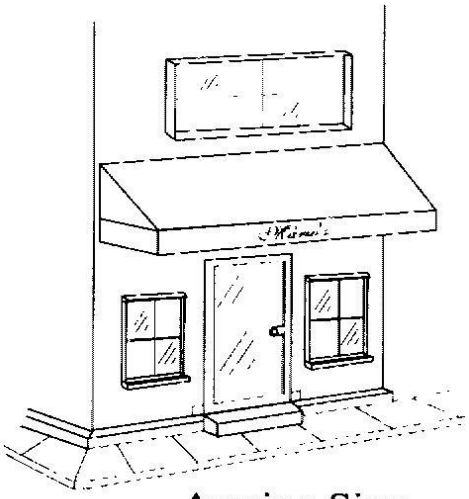
The minimum vertical height clearance from any part of an awning to a sidewalk directly below or adjacent to the awning is seven feet.

4. AWNING SIGN — A sign painted on, printed on or attached flat against the surface of an awning. An awning sign shall only display the business name, graphic logo and/or building number and shall be painted/printed/attached only to an awning affixed to the ground floor building facade.

Awning Sign



Awning Sign

5. BEACON LIGHTING — Any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than illuminate any particular sign, structure, or other object.

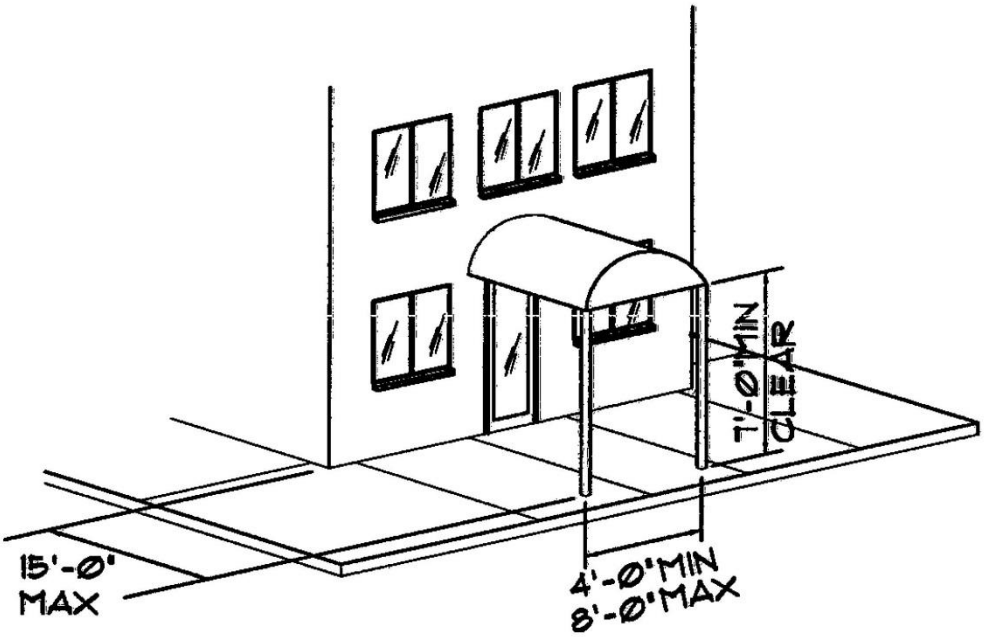
6. BILLBOARD — See "advertising sign."

7. BUSINESS SIGN — An on-premises sign that advertises or otherwise directs attention to a business, commodity, service, industry or other activity which is sold, offered or conducted, other than incidentally, on the premises upon which the sign is located or to which it is affixed.

8. CABINET SIGN—A sign that contains all the text and/or logo symbols within an enclosed cabinet and may or may not be illuminated.

9. CANOPY — A building element consisting of soft material such as canvas, fabric or similar material that is supported by an underlying framework that is affixed to a building facade; a canopy may or may not have vertical supports. A canopy shall be located only at the building entrance that faces a street and at no point shall it extend above the parapet wall or eave line of the roof. The maximum length of a canopy shall be 15 feet with the minimum width being four feet and the maximum width being eight feet. The minimum clearance from any part of a canopy to a sidewalk directly below or adjacent to a canopy is seven feet.

10. CANOPY SIGN– A sign painted on, printed on or attached flat against the surface of a canopy. A canopy sign shall only display the business name, graphic logo and/or building number.



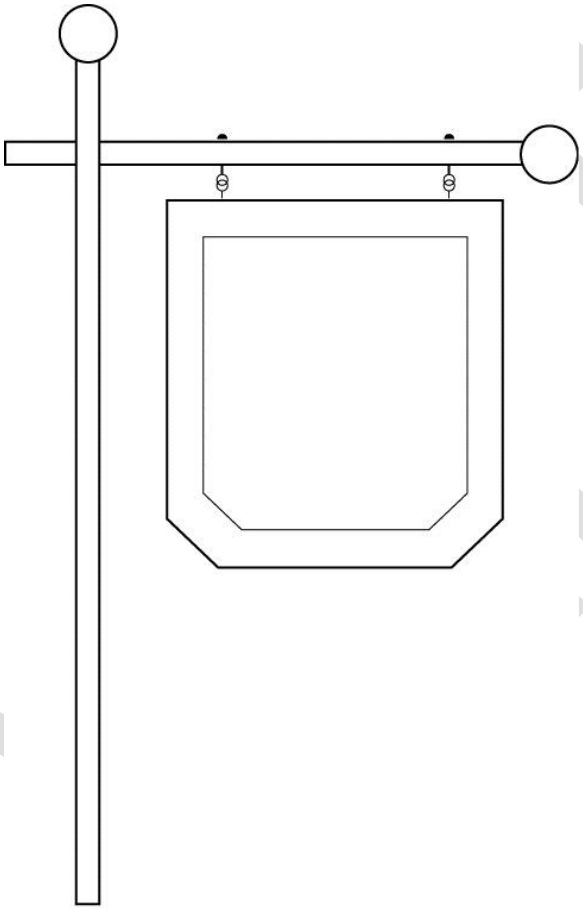
11. CHANNEL LETTERING—Three-dimensional individual letters or figures, illuminated or nonilluminated, affixed to a structure.

12. DIRECTIONAL SIGN — A sign conveying instructions regarding pedestrian and/or vehicular movement with respect to the premises on which it is located, such as the entrance and exit of a parking area.

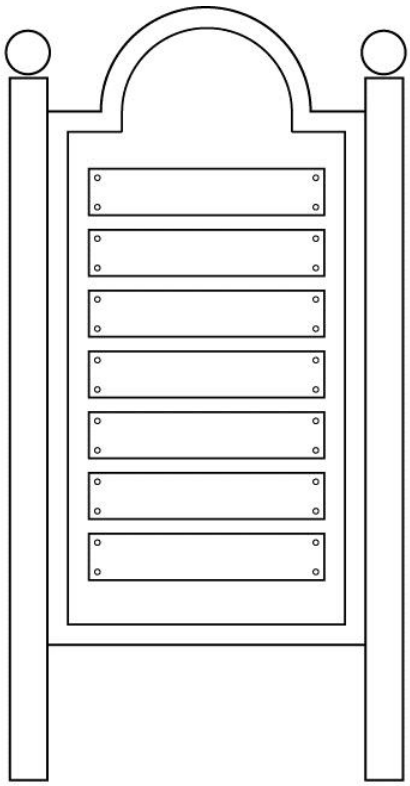
13. DIRECTORY SIGN — A sign on which the names and location of the occupants or the use of a building is given, including office building and religious directories.

14. FESTOON LIGHTING — An external means of illumination comprised of a group of strung bulbs.

15. FREESTANDING SIGN — A self-supporting sign resting on or supported by means of poles, posts, or standards.



Freestanding Sign



Freestanding Sign

16. IDENTIFICATION SIGN- A sign whose copy is limited to the name of a building, institution or person and/or to the activity or occupation being identified.

17. ILLUMINATED SIGN — Any sign that is lighted by internal or external lighting.

18. INCIDENTAL SIGN — A directional sign of a public service nature, such as signs identifying a place of worship, parking areas, telephones, restrooms, loading docks or similar services, which contains no advertising.

19. MARQUEE SIGN— Any sign attached to a marquee for the purposes of identifying a theater or movie house.

20. MONUMENT SIGN — A sign attached to a brick, stone or masonry wall or structure that forms a supporting base for the sign display.

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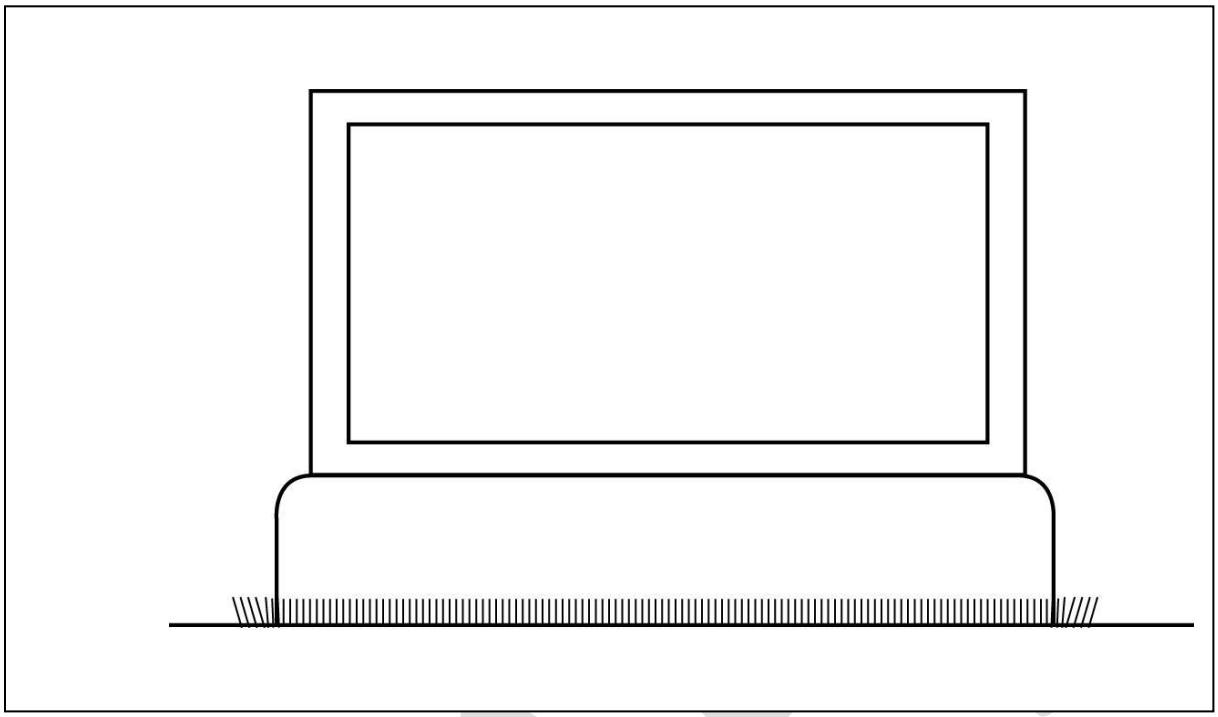

Monument Sign

21. NONILLUMINATED SIGN— Any sign that is not lighted.

22. OFF-PREMISES SIGN — A sign structure advertising an establishment, merchandise, service or entertainment which is sold, produced, manufactured or furnished at a place other than on the property on which said sign is located; a sign which advertises or otherwise directs attention to an activity not on the same lot where the sign is located, e.g., billboards, outdoor advertising, subdivision directional sign and real estate sign.

23. ON-PREMISES SIGN — A sign that advertises or otherwise directs attention to an activity on the same lot where the sign is located.

24. PARALLEL WALL SIGN— A sign mounted parallel to a wall or other vertical building surface that does not extend beyond the edge of any wall, roofline or other surface to which it is mounted, and does not project more than one foot from the surface to which it is mounted.

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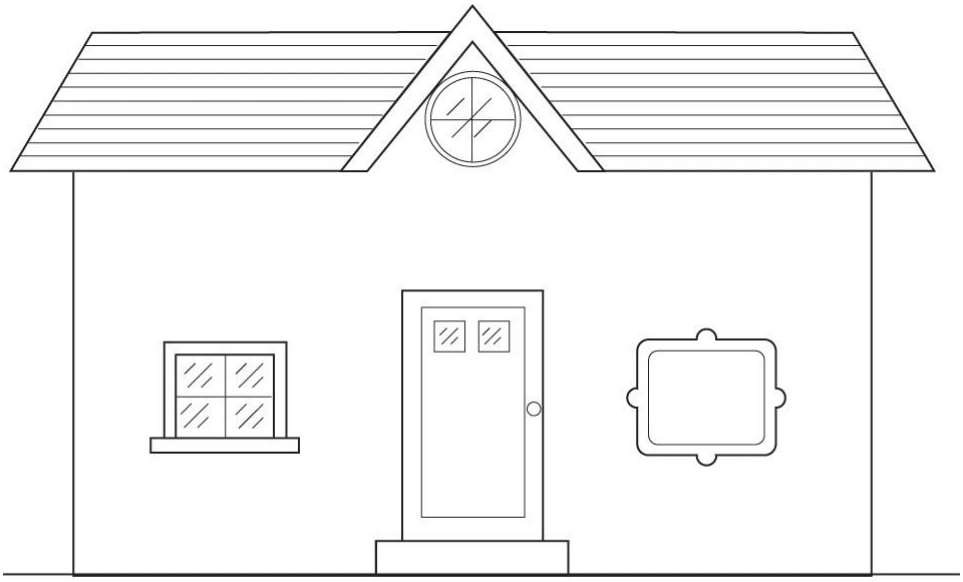
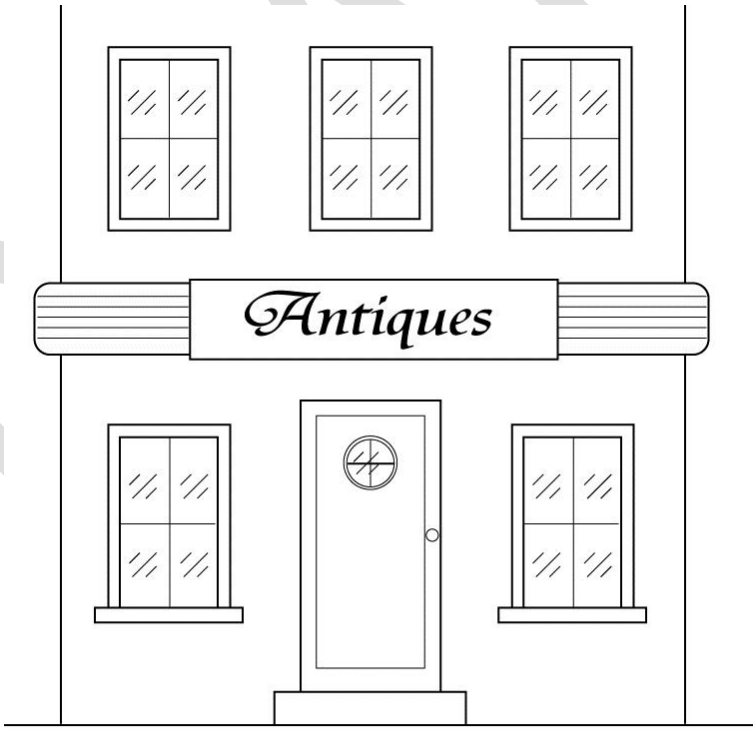


Parallel Wall Sign



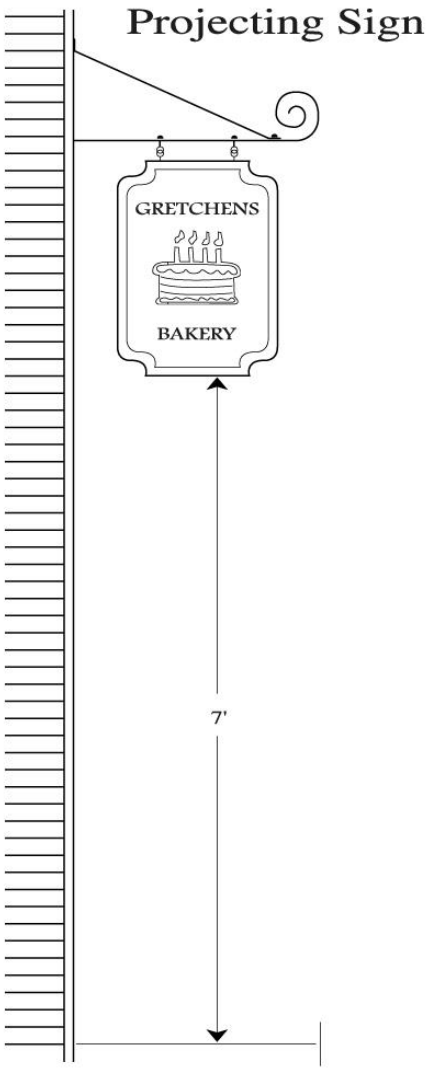
Part of Cornice

25. PERSONAL EXPRESSION SIGN — A sign which displays an individual's political, religious or personal belief.

26. PIN-MOUNTED LETTERING —Three-dimensional individual letters or figures, illuminated or nonilluminated, that are affixed to a structure by pins.

27. PORTABLE SIGN — Any sign, including vehicular signs, not permanently attached to the ground or building.

28. PROJECTING WALL SIGN — Any sign mounted to a wall or other vertical surface, other than a parallel sign, that does not project more than four feet from the surface to which it is mounted nor project above the wall, roofline or surface to which it is mounted, nor in any way interfere with normal pedestrian or vehicular traffic. A minimum height clearance of seven feet is required.



29. REVOLVING SIGN— Any sign that revolves.

30. ROOF SIGN— A sign erected upon or above a roof or parapet wall of a building and which is wholly or partly supported by that building.

31. SNIPE SIGN — A permanent or temporary sign or poster affixed to a tree, fence, utility pole or upon rocks or natural features.

32. TEMPORARY SIGN— A sign which advertises community or civic projects, construction projects, real estate for sale or lease, a commercial grand opening, or other special events on a temporary basis. The following types of signs shall be considered temporary signs:

    a. BANNER SIGN — A temporary sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic or fabric of any kind. National flags, flags of political subdivisions and symbolic or decorative flags of any institution, neighborhood, residential use or business shall not be considered banners for the purpose of this article.

    b. PROJECT SIGN — Any sign giving the name or names of owner, principal contractors, subcontractors, architects, and lending institutions responsible for construction, landscaping or other improvements on the site where the sign is placed.

    c. DEVELOPMENT SIGN— An on-premises sign on a building or lot which announces the nature, purpose or name of the prospective building/enterprise.

    d. POLITICAL SIGN — A temporary sign used in connection with a local, county, state or national election or referendum.

    e. PORTABLE SIGN — Any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business. Portable signs shall not be illuminated unless a special exception is granted by the Township Zoning Hearing Board.

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Sandwich Board

f. REAL ESTATE SIGN — A temporary sign which advertises the sale, lease or rent of the property on which the sign is placed.

g. SPECIAL EVENT SIGN— On-premises window sign, banner or commemorative flag which advertise a grand opening or other special event.

h. STREET BANNER SIGN— Any banner sign which is stretched across and hung over a public right-of-way.

i. SUBDIVISION SIGN— An on-premises or off-premises directional sign advertising to the public the name of the subdivision project and the type of project to be built.

j. NONRESIDENTIAL BUSINESS SIGN — An on-premises sign that advertises or otherwise directs attention to a business, commodity, service, industry or other activity which is sold, offered or conducted, other than incidentally, on the premises upon which the sign is located or to which it is affixed.

33. TRAILER SIGN — Any sign which is erected upon a structure having wheels or rollers facilitating movement from one location to another.

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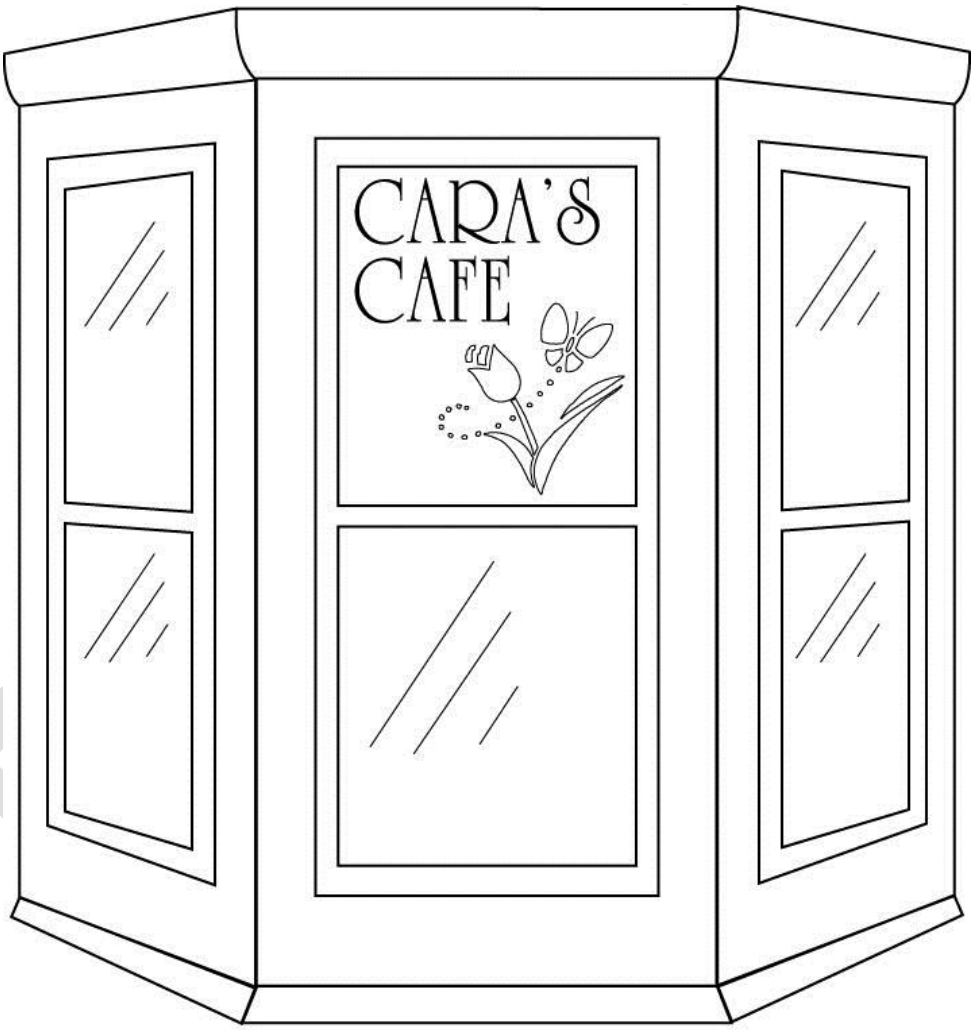
34. VEHICULAR SIGN— Any vehicle and/or trailer to which a sign is affixed in such a manner that the carrying of the sign is no longer incidental to the vehicle's purpose but becomes the primary purpose of the vehicle.

35. WINDOW SIGN — A sign mounted or painted on a window or inside a structure such that it is intended to be seen through a window from the outside.

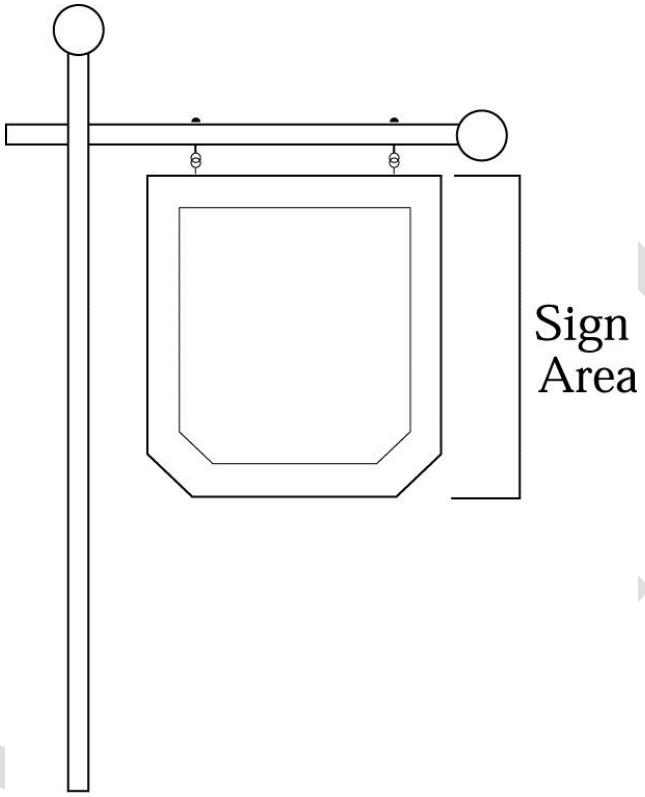


Window Sign

§295-2402. GENERAL REGULATIONS

A. Sign area.

1. The "area of a sign" shall mean the area of all lettering, wording and accompanying designs, logos and symbols, together with the background on which they are displayed, whether open or enclosed. The area of a sign shall not include any supporting framework, bracing or trim which is incidental to the display, provided that it does not contain any lettering, wording or symbols.



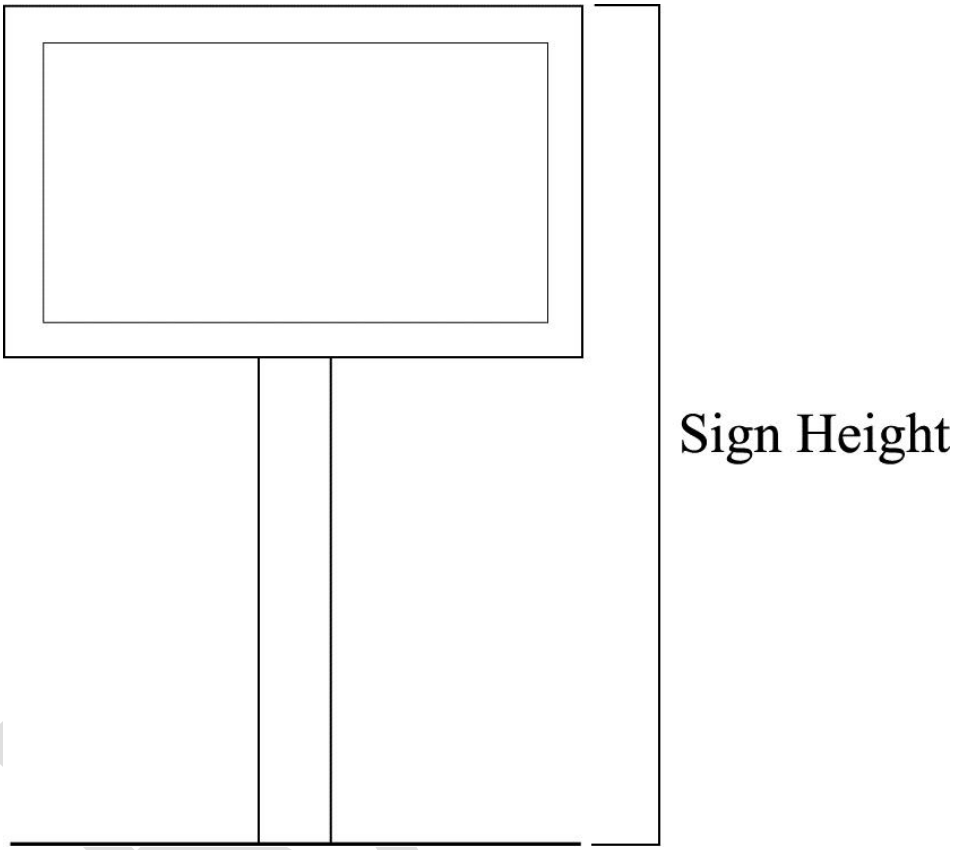
Freestanding Sign

2. Where the sign consists of individual letters, designs or symbols attached to a building, awning, wall or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs and symbols.

3. Signs may be multisided. In determining the area of a double-sided sign, only one side shall be considered, provided that both faces are identical in size. When the interior angle formed by the faces of a multisided sign is greater than 45°, then all sides of such sign shall be considered in calculating the sign area.

B. Height of a sign.

1. The distance from the highest portion of the sign to the mean grade at the base of the sign. In the case of a sign located on an isolated mound, height shall be measured to the original grade.



2. Unless specifically restricted or specified in § **295-2405**, all awning, projecting and wall signs must be contained within the current building height restrictions of the zoning district in which it is located.

C. Sign structure.

1. Sign structures shall be in keeping with the architectural style of the building that it is related to. A sign structure is defined as the supporting structure erected and used to support a sign, such as brackets, posts, monument bases, etc.

D. Location of signs.

1. No sign shall be placed in such a position as to endanger traffic on a street by obscuring view or by interfering with official street signs or signals by virtue of position or color.

2. No sign, except official traffic signs or those approved by Cheltenham Township, is permitted within the cartway of the right-of-way.

3. No projecting sign shall extend into the cartway of the right-of-way, or be less than seven feet above a pedestrianway.

4. No freestanding sign shall occupy an area designated for parking, loading, walkways, driveways, fire lane, easement, cartway of the right-of-way or other areas required to be unobstructed.

5. Signs, not including historical markers and banners approved by the Township, shall not be affixed to a utility pole or structure, lighting standard, parking meter, park bench, tree, shrub, rock or natural object except plaques of a maximum of one square foot.

6. Awnings and/or canopies shall not extend into the street right-of-way.

E. Materials.

1. Sign materials should be consistent with and complement the original construction materials and architectural style of the building facade on which they are to be displayed. All signs, excluding awning and window signs, shall be constructed only of wood, metal, stone or other appropriate material with painted, engraved or raised messages. Plastic sign inserts shall be permitted for internally lit signs.

F. Illumination of signs. Unless otherwise specified herein, if signs are to be illuminated, they shall be consistent with the following standards:

1. Where permitted, illumination may be:

a. External. Illumination of a sign with an external light, shielded so that the point source of light is not visible elsewhere than on the lot where said illumination occurs.

b. Internal. Illumination of a sign designed to give forth an artificial light directly through transparent or translucent materials from a source of light within such a sign. Sign lettering may be backlit with an opaque background material, backlit pin-mounted or channel lettering, or neon lighting. Only the text and graphic logo shall be illuminated.

2. Illumination shall be permitted only to the extent necessary to allow signs to be seen and read at night at a distance not to exceed 500 feet for signs of 20 square feet or more in area and 150 feet for signs less than 20 square feet in area.

3. Neon lighting is not permitted in residential districts.

G. English language.

1. Identification and directional signage containing non-English language shall also include its equivalent in English in order to address the health, safety, and welfare of vehicular and pedestrian customers trying to find the location of said premises, as well as all emergency services personnel responding to said premises.

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H. Construction of signs.

1. Every sign permitted in this article must be kept in good condition and repair as determined by the Township Zoning Officer.

2. A sign using electricity shall be installed in conformance with the Township's Electrical Code. All signs not attached to a building shall be connected by underground service only.
*See Ch. **135**, Electrical Registration, and Ch. **110**, Building Construction.*

I. Removal of signs. A sign shall be found to be in violation of this article, and may be required to be removed by the Zoning Officer under the following circumstances:
1. The sign has not been maintained in good condition and safe repair and has deteriorated to the point that it cannot perform its intended use or creates a safety hazard. The Zoning Officer shall specify a period of time in which the owner of the sign may repair or rehabilitate the sign, thereby restoring its intended use or correcting the safety hazard.

2. The sign has been erected without an applicable permit or does not comply with the other requirements of this article.

§295-2403. PROHIBITED SIGNS AND ILLUMINATION

A. Prohibited signs. It shall be unlawful, upon or after the effective date of this article or any amendment thereto, for any person, firm or corporation to erect any of the following signs within the Township of Cheltenham:

1. Any sign which by color, shape or location conflicts with or resembles a traffic signal device.

2. Signs erected without the permission of the property owner or authorized agent.

3. Signs that create a hazard by obstructing the clear view of vehicles and pedestrian traffic.

4. Animated signs, except those portions of signs which indicate time and temperature changes. Signs indicating time and/or temperature by means of white intermittent lighting shall not change more frequently than 15 seconds and whose letters are not more than eight inches high.

5. Any sign that obstructs free ingress or egress from a door, window, fire escape or other exitway.

6. Vehicular signs.

7. Signs that exhibit statements, words or pictures of obscene or pornographic subjects as determined by the Township.

8. Revolving signs, except barbershop poles.

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9. Signs containing beacon lights.

10. Signs containing festoon lighting, except in Commercial Enhancement Districts.

11. Cabinet signs in Commercial Enhancement Districts.

12. Roof signs.

13. Projecting signs over the legal cartway of the right-of-way, except banners as provided herein.

14. Projecting V-shaped signs.

15. A-frame signs.

16. Snipe signs.

17. Home business signs in residential districts.

18. Any sign inconsistent with this article.

§295-2404. SIGNS EXEMPT FROM PERMITS

A. The following shall not require sign permits:

1. Government flags, insignia or decorative banners.

2. Legal notices of a governmental agency.

3. Directional signs, provided they do not contain advertising (including logos), do not exceed four square feet and do not obstruct the sight triangles at internal intersections on the premises.

4. Public monument, plaque or historic identification marker erected by a government agency.

5. Residential identification sign not exceeding two square feet bearing only property number and/or street address.

6. Professional nameplates displaying only the name and occupation (words only) of the practitioner, not exceeding six inches high by 18 inches wide.

7. Home security signs, not exceeding one square foot.

8. Public service and information signs advertising the availability of public restrooms, telephones or similar public conveniences, not exceeding three square feet in area.

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9. Personal expression signs, provided that they are not illuminated and are either freestanding, wall or window signs. Such signs shall not exceed four square feet and, in the case of freestanding signs, four feet in height.

10. Barbershop poles.

11. Menus and signs indicating business hours not exceeding two square feet.

12. The following temporary signs:

    a. Civic event signs on public and private property, which shall not exceed six square feet in area and shall be erected no more than 45 calendar days prior to the event and shall be removed within seven days after the event.

    b. Temporary and open house signs.

        I. Temporary signs advertising the sale or rental of the premises upon which they are erected by a broker or other person interested in the sale or rental of such premises may be erected and maintained, provided that the size of any such sign does not exceed 12 square feet in area on each of two sides or not more than two signs, each of which does not exceed six square feet in area on each of two sides, when placed upon any property unless such property fronts upon more than one street, in which event either one twelve-square-foot sign or two six-square foot signs may be erected on each frontage. Signs bearing the words "sale" or "for rent," with the name of the person effecting the sale or rental, may be erected and shall be maintained. Such signs shall be removed within five days after all contingencies are met except the mortgage, at which time a "sold" sign or "rented" sign may be erected and shall be maintained, provided that such sign is removed within 14 days of its erection. This subsection shall not apply to those properties or buildings whose intended land use is for commercial or industrial uses. However, such signs erected on said properties shall be maintained in good condition.

        II. Open house signs shall either be attached to and made part of the one allowable twelve-square-foot for sale sign per street frontage or an additional sign per street frontage not exceeding six square feet in size on each of two sides. Open house signs may be placed on the property being offered for sale or within the public right-of-way directly abutting the property being offered for sale but shall not obstruct vehicular sight distance. The number of for sale and open house signs shall not exceed three per street frontage. A maximum of three directional open house signs, each not to exceed six square feet in size on each of two sides, may be erected per house. Directional signs may be placed within the public right-of-way with the permission of the adjoining property owner but shall not obstruct vehicular sight distance. Open house signs shall be erected no earlier than three days before the open house and shall be taken down no later than one hour after the open house. Directional open house signs shall not be erected earlier than one hour before the open house and shall be taken down no later than one hour after the open house.

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c. Temporary signs advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a building contractor, developer or other person interested therein, may be erected and maintained, provided that the size of any such sign is not in excess of 12 square feet for each dwelling under construction and having a maximum of 50 square feet on each of two sides and not more than two signs are placed upon any property unless such property fronts upon more than one street, in which event not more than two such signs may be erected on each frontage.

d. Signs indicating the location and direction of premises available for or in the process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder or agent may be erected and maintained on private property, provided that the size of any such sign is not in excess of 12 square feet on each of two sides nor more than four feet in length and that not more than one such sign is erected on each 500 feet of street frontage. Such signs may have arrows painted thereon, but no sign in the shape of an arrow shall be erected. No such sign shall remain in place longer than six months.

e. Signs of artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided that the size thereof is not in excess of 12 square feet and that such signs are removed promptly upon completion of the work. No more than one such sign shall be erected on any one premises upon which all artisans so desiring are to be listed.

f. Signs advertising garage or yard sales, provided that no sign shall exceed six square feet in sign area. Signs shall be permitted only on the premises where the sale is to be conducted and limited to one per street frontage. Signs shall be removed at the close of the garage or yard sale.

g. Sandwich boards. Portable sandwich boards shall be permitted for restaurant and retail uses only in addition to the otherwise permitted signs, according to the following regulations:

I. The maximum height of sandwich boards shall be four feet and the width shall not exceed two feet six inches.

II. Sandwich boards shall be located either adjacent to the building or adjacent to the curb. In either location, at least three feet of sidewalk shall be left unobstructed.

III. Only one sandwich board will be permitted in front of the business it advertises.

IV. Sandwich boards shall be weighted at the base so that the sign cannot be moved by strong winds; however, no sign shall be chained, tied or otherwise affixed to any structure or object.

V. Sandwich board frames shall be made of wood or wood composite.

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VI. Sandwich boards shall be removed from the sidewalk at the close of business hours.

h. Nonresidential business identification signs, limited to one per street frontage, shall not exceed 20 square feet and shall be erected for not more than 30 calendar days unless approval is granted for an additional 30 days.

§295-2405. SIGNS REQUIRING A PERMIT

A. The following types of permanent signs shall require permits:

1. Residential districts and multiple dwelling districts (R1 Residence Districts, R2 Residence Districts, R3 Residence Districts, R4 Residence Districts, M1 Multiple Dwelling Districts, and M2 Multiple Dwelling Districts).

a. Institutional uses. Signs of schools, colleges, churches, hospitals, or other institutions of similar nature.

b. Subdivision or development identification. Permanent freestanding or monument signs which identify the name of the subdivision or land development shall be permitted in compliance with the following:

I. One sign may be located at the main entrance to the development, which shall not exceed 20 square feet in area.

II. Signs may also be permitted at secondary entrances to the development following approval by the Zoning Officer.

III. These signs shall be landscaped in keeping with the character of the Township.

c. Office use. Permanent freestanding or monument sign which identifies the office building.

d. Sign types, area, height, illumination and the number of signs shall conform to the following:

Sign Type	**Maximum Sign Area (square feet)**	**Maximum Sign Height (feet)**	**Illumination**	**Number of Signs**
Institutional freestanding	20	4	External	One per property or, if applicable, one per street frontage

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Subdivision or development identification freestanding or monument	20	Freestanding: 4 feet; monument: 6 feet	External only	One sign at the main entrance of the development (additional signs at secondary entrances when permitted by the Zoning Hearing Board)
Office use	20	Freestanding: 4 feet; monument: 6 feet	Internal/ external	One per property

2. LI Light Industrial District. In addition to signs exempt from permits and temporary signs, industrial uses shall be permitted any two of the following types of signs, provided that:

   a. Sign types, area, height, illumination and the number of signs shall conform to the following:

Sign Type	**Maximum Sign Area**	**Maximum Sign Height**	**Illumination**	**Number of Signs**
Monument	20 square feet	6 feet	Internal/ external	One per property
Billboards	300 square feet	30 feet	Special exception from ZHB	One per property
Parallel Wall	10% of square footage of facade; 100 square feet maximum	Not to exceed eaves line or top of parapet wall	Internal/ external	One per tenant space

I. Each freestanding billboard shall be located not less than 500 feet from any other billboard and not less than 200 feet from a residential zoning district nor shall it overhang any public right-of-way.

II. The single sign permitted per tenant space may be placed on the facade of the building facing the street or parking lot or accessway.

3. Commercial districts (C1 Commercial District, C2 Commercial District, MU1 Mixed Use District, MU2 Mixed Use District, and MU3 Mixed Use District).

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a. Individual or single use of property. In addition to signs exempt from permits and temporary signs, individual commercial uses located on their own lot are permitted to have signs in accordance with the following:

I. Each individual or single use of property is permitted to have one on-site freestanding sign or monument sign only, and one awning sign or canopy sign only, and one parallel wall sign or one projecting wall sign only, with the following limits on area, height and illumination:

Sign Type	**Maximum Area(square feet)**	**Maximum Height(feet)**	**Illumination**
Freestanding	50	15	Internal/external
Monument	20	6	Internal/external
Parallel wall	15% of facade; 100 square feet maximum	Not to exceed eaves line or top of parapet wall of principal whichever is lower	Internal/external; external only in the Commercial Enhancement Districts
Projecting wall	15 square feet	Not to exceed eaves line or top of parapet wall of principal whichever is lower	Internal/external
Awning	20% of exterior awning surface per building facade	At awning height	Internal/external
Canopy	20% of exterior awning surface per building facade		Internal/external

II. In addition, each individual or single use of property with multiple retail tenants may be permitted only two of the following signs per retail tenant space. The two signs permitted per retail tenant space shall be placed only on the building facade facing the street, parking lot or accessway. Retail tenant signage shall be placed only on the portion of the building facade that directly abuts that retail tenant space. Retail tenant spaces that do not abut the building facade shall not

DRAFT

be permitted separate exterior signage. Sign types, area, height and illumination shall conform to the following:

Sign Type	Maximum Area	Maximum Height	Illumination
Parallel wall	15% of facade; 100 square feet maximum	Not to exceed eaves line or top of parapet wall of principal building, whichever is lower	Internal/external; external only in the Commercial Enhancement Districts
Projecting wall	15 square feet	Not to exceed eaves line or top of parapet wall of principal building, whichever is lower	Internal/external
Awning	20% of exterior awning surface per building facade	At awning height	Internal/external

III. Each individual tenant is permitted one window sign. Sign types, area, height, and illumination shall conform to the following:

Sign Type	Maximum Area	Maximum Height	Illumination
Window	Not to exceed 25% of the window area	N/A	Internal/ external

b. Shopping center signs. In addition to signs exempt from permits and temporary signs, shopping centers, shopping malls and properties utilizing common parking facilities are permitted signs in accordance with the following:

I. Each shopping center is permitted one on-site freestanding sign or monument sign per street frontage which identifies the business or commercial center as a whole and/or which is a directory sign for the establishments on the property with the following limits on area, height and illumination:

DRAFT

Sign Type	Maximum Sign Area(square feet)	Maximum Sign Height(feet)	Illumination
Freestanding	250	20	Internal/external
Monument	100	10	Internal/external

II. Each individual tenant is permitted the following signs.

(1) Each individual tenant is permitted two of the following signs only. The two signs permitted per tenant shall be placed on the facade of the building facing the street or parking lot or accessway. Tenant signage shall be placed only on the portion of the building facade that directly abuts that tenant space. Tenant spaces that do not abut the building facade shall not be permitted separate exterior signage. Sign types, area, height and illumination shall conform to the following:

Sign Type	Maximum Area	Maximum Height	Illumination
Parallel wall	1 square foot per foot of facade length	Not to exceed eaves line or top of parapet wall of principal building, whichever is lower	Internal/external
Projecting wall	15 square feet	Not to exceed eaves line or top of parapet wall of principal building, whichever is lower	Internal/external
Awning	20% of exterior awning surface per building facade	At awning height	Internal/external

(2) Each individual tenant is permitted one window sign. Sign types, area, height and illumination shall conform to the following:

Sign Type	Maximum Area	Maximum Height	Illumination
Window	Not to exceed 25% of the window area	N/A	Internal/ external

DRAFT

4. Marquee signs. Marquee signs shall be permitted in addition to the otherwise permitted sign area exclusively for theaters and movie houses, provided that the total sign area shall not exceed 150 square feet. Such signs shall be required at all times to maintain a minimum vertical clearance of 10 feet above grade.

5. Signs in the Commercial Enhancement Districts. Any signage within the Commercial Enhancement Districts, as defined in the Cheltenham Township Commercial District Enhancement Plan, as approved and amended by the Board of Commissioners, shall require a Certificate of Appropriateness (COA) in addition to the above requirements. The COA is to be issued by the Director of Planning and Zoning based on recommendations by the Township's Economic Development Task Force (EDTF). Signs must meet the design guidelines of the Commercial Enhancement Districts. No sign permit will be issued without first receiving the COA.

§295-2406. PERMIT PROCEDURES

A. Sign permits. It shall be unlawful to erect, construct or significantly alter any sign which requires a sign permit without first filing with Cheltenham Township an application in writing, which application shall contain the information required by the Township Zoning Officer.

1. Application for permit. The following shall be provided:

a. The name, address and telephone number of the property owner and the signature of the owner or duly authorized agent for the owner.

b. Two copies of a plan drawn to scale depicting:

I. The design of each sign face and sign structure with the dimensions, total area, sign height, depth, structural details, materials, lighting scheme and proposed location.

II. The building elevations, existing and proposed facades, parapet walls, cornices and the location and size of all proposed and existing signage.

III. Such other information as required by the Township Zoning Officer.

§295-2407. NONCONFORMING SIGNS

A. Nonconforming signs. Any sign legally existing at the time of the adoption of this article that does not conform to the requirements of this article shall be considered a nonconforming sign and shall be bound by the regulations of this article regarding nonconforming signs.

1. Any change of the sign face of a nonconforming sign shall meet the requirements of this article.

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2. A sign not conforming to this article shall be removed when the sign requires any structural renovation or the background area of the sign is to be altered.

3. All nonconforming signs, except those which are painted onto building walls, may be repainted, resurfaced or repaired, provided that they are not substantially destroyed or abandoned, and provided such does not increase the dimension of the existing sign.

4. A nonconforming sign must be removed within 14 days after notification by the Zoning Officer or be made to conform to this article in every respect whenever:

    a. It is not securely attached to the ground, wall or roof and can be easily moved; or

    b. It becomes so deteriorated that it no longer serves a useful purpose of communication and is a nuisance as determined by the Township; or

    c. It is abandoned by the owner or the use is abandoned.

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ARTICLE XXV

NONCONFORMING STRUCTURES, USES, AND LOTS

§295-2500. NONCONFORMING STATUS

A. All buildings, structures, uses of land, uses of buildings, lots, and signs which do not comply with the applicable regulations of the zoning district in which they are located shall be considered nonconforming provided that:

1. They existed on the date of adoption of this ordinance, the Cheltenham Township Zoning Ordinance of 2015 or;
2. They existed on the date of an amendment to the Official Zoning Map or on the date of an amendment to or re-enactment of the text of this ordinance, the Cheltenham Township Zoning Ordinance of 2015 and such amendment or re-enactment caused the noncompliance.

§295-2501. NONCONFORMING CLASSIFICATIONS

A. Nonconforming status shall be classified as follows:

1. Nonconforming Use. The existing use of land and/or buildings and/or structures upon the land which does not conform to any of the permitted uses of the district in which it is located.

2. Nonconforming Building or Structure. Any existing building or structure that does not conform to the height, location, size, bulk, or other dimensional requirements of the district in which it is located. This does not include signs.

3. Nonconforming Lot. Any existing lot which does not conform to the area and/or width requirements for lots in the district in which it is located.

§295-2502. NONCONFORMING REGULATIONS

A. The following regulations shall govern all properties to which nonconforming status is applied:

1. Nonconforming status shall continue and a property may continue to be used as nonconforming until it complies with the requirements of this Ordinance.

B. Change of Use.

1. A nonconforming use may be changed to a conforming use. A nonconforming use which has been changed to a conforming use shall lose its nonconforming status.

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2. A nonconforming use may be changed to another nonconforming use of the same general character provided that the applicant obtains a special exception pursuant to Article XXVIII of this Chapter. Where exterior structural alterations or other site modifications are proposed, the following requirements shall apply in addition to the requirements of Article XXVIII of this Chapter.

    a. Such use shall not increase the amount of traffic entering and exiting the site; and

    b. Such use shall not increase the impervious coverage by more than ten (10) percent of the area of the impervious coverage existing on the site.

C. Discontinuance. Whenever a nonconforming use, in or on the land, or within a building or structure or portion thereof, has been discontinued for a continuous period of more than one year, such discontinuance shall be deemed to be an abandonment of such nonconforming use and any subsequent use thereof shall conform to the applicable provisions of the zoning district in which such use is located, and the prior nonconforming use shall not thereafter be resumed unless a variance is granted by the Township Zoning Hearing Board in accordance with Article XXVIII of this Chapter.

D. Extension or Expansion. A nonconforming use, building or structure, not including signs, may be extended or expanded in compliance with the following requirements:

1. The lot on which the extension or expansion is proposed shall be limited to only that lot on which the use, building, or structure existed at the time it became nonconforming. Expansion onto adjoining lots is prohibited.

2. The nonconforming use may be expanded on the lot on which it is located. This expansion is limited to 25 percent of the total lot area occupied by the nonconforming use at the time the use became nonconforming. This expansion can only be done once.

3. The nonconforming use of a building may be expanded within the building provided that the expansion is limited to 25 percent of the gross floor area occupied by the nonconforming use at the time the use became nonconforming.

4. A building which houses a nonconforming use may be extended on the same lot, provided that the extension shall be limited to 25 percent of the gross floor area of the building as it existed at the time the use became nonconforming and the extension conforms with all the applicable dimension regulations of the district where the use is permitted or where the building is located which ever regulations are more restrictive. All applicable performance standards shall be met.

5. A nonconforming building may be extended on the same lot provided that the extension shall be limited to 25 percent of the gross floor area of the building existing at the time the building became nonconforming.

E. Additional Buildings and Regulations. The following regulations apply to buildings:

1. When new ordinance provisions are adopted and affect planned construction which has not been completed:

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a. A building under construction as of the date of adoption of the new ordinance provisions, to the extent of completion of footings, may be completed as a nonconforming building, provided that a valid building permit has been issued.

b. A building approved for development as part of a subdivision or land development which does not conform to the new ordinance provisions must be built within five (5) years from the date of approval of the subdivision or land development plan.

2. A nonconforming structure which is destroyed or partially destroyed by fire, explosion, or by any other cause to the extent of seventy-five (75) percent or more of the market value thereof immediately prior to such damage or destruction may be reconstructed and used as before, provided that:

a. The reconstructed building shall not exceed the dimensions of the damaged or destroyed building, including height, width, depth, and volume.

b. Building construction shall be started within one year from the date the building was damaged or destroyed, and shall be carried out without interruption.

c. The building will pose no hazards to safety by virtue of its location.

3. Legally condemned nonconforming buildings shall not be rebuilt or used except in conformance with this Ordinance.

F. Contiguous Undeveloped Lots. Two or more contiguous lots held in single ownership in subdivision approved prior to the effective date of this Ordinance (where each lot individually does not meet the required minimum area or width for the district in which the lots are located) shall be joined to form one lot which meets the minimum lot area and width required. If all such lots as joined do not meet the area and width requirements, they shall be considered a single nonconforming lot in accordance with Section 295-2501.A.3 of this article.

G. Nonconforming Signs. If and when a nonconforming sign is replaced, the new sign shall comply with the requirements of Article XXIV of this Ordinance. "Replacement" shall not include simply revising the text or color or the sign, but shall refer to structural replacement and/or relocation of the sign.

H. Conforming Uses in Nonconforming Buildings or Lots. The conversion of one conforming use to another conforming use on a lot or in a building that is nonconforming shall be permitted.

§295-2503. ADMINISTRATION

A. Mapping and Recording of Nonconforming Uses, Structures, and Lots. The Zoning Officer may perform a survey of the township and record and map all uses, structures, and lots nonconforming to the district requirements set forth in this Ordinance. If the survey, record, or map is not done, or is incomplete, the nonconforming status may be determined when applications for building permits are filed with the township.

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Article XXVI

GENERAL REGULATIONS

§295-2600. PUBLIC UTILITY CORPORATIONS AND MUNICIPAL USES

A. This chapter shall not apply to any existing or proposed building or extension thereof, used or to be used by a public utility corporation, as provided by 53 P.S. § 10619, nor shall this chapter apply to any building of the township or extension thereof, or to the use of any premises by the township, if the Board of Commissioners shall, after a public hearing, decide that such a building or extension thereof, or such use of any premises, is reasonably necessary for the convenience or welfare of the public, provided that any municipal recreational building or use may be established by the Board of Commissioners at any location in the township without holding such public hearing.

§295-2601. YARD REGULATIONS

A. Front yard projections. No building and no part of a building, swimming pool, carport or other structure shall be erected within or shall project into the front yard except cornices, eaves, gutters or chimneys projecting not more than 36 inches, one story open porches projecting not more than 10 feet, steps and balconies. In the R1, R2, R3 and R4 Districts, the required front yard setback area shall be lawn area or landscaped area with the exception of one driveway per street frontage. The maximum width of a driveway shall not exceed the lesser of 18 feet or 50% of a property's street frontage. Notwithstanding the foregoing, an awning or a canopy, as defined under Article **XXVI**, entitled "Signs," of this Chapter, may be erected anywhere within the required front yard of any property within a Commercial Enhancement District as defined in the Cheltenham Township Commercial District Enhancement Plan, as approved and as amended, from time to time, by the Cheltenham Township Board of Commissioners.

B. Side yard projections. No building and no part of a building, swimming pool, carport or other structure shall be erected within or shall project into the side yard except cornices, eaves, gutters or chimneys projecting not more than 36 inches and steps, provided that in R4 Residence Districts, a private garage may be erected anywhere in the side yard, provided that said garage is at least 10 feet in the rear of the main building. All garages must adhere to their respective regulations as described in the applicable zoning district.

C. Rear yard projection and accessory buildings. No building and no part of a building, carport or other structure shall be erected within or shall project into the rear yard except cornices, eaves, gutters or chimneys projecting not more than 36 inches, provided that an accessory building may be built or constructed within the rear yard if located at least 15 feet from the rear property line, except that in R4 a private garage or swimming pool may be erected anywhere in the rear yard, provided that said garage or swimming pool is at

DRAFT

least 10 feet distant from the rear property line. All garages must adhere to their respective regulations as described in the applicable zoning district.

§295-2602. CORNER LOTS

A. On any corner lot, no wall, fence or other structure shall be erected or altered and no hedge, tree, shrub or other growth shall be maintained which may cause danger to traffic on a street by obscuring the view.

§295-2603. PROHIBITED USES

A. No lot shall be used as or for a trailer camp, tourist house, nor outdoor motion picture theater.

B. No temporary structure or shelter, such as a tent, shall be erected or placed upon any property for use as a dwelling, nor shall any motor vehicle or trailer be occupied as a habitation, dwelling or sleeping accommodation by any person or persons within the Township.

C. No building shall be erected, altered or used and no lot or premises shall be used for any trade, processing or business which is noxious or offensive by reason of odor, dust, smoke, gas, vibration, illumination or noise or which constitutes a public hazard, whether by fire, explosion or otherwise.

§295-2604. INTERPRETATION OF PROVISIONS

A. In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare of the Township. It is not intended by this chapter to interfere with or abrogate or annul Chapter **110**, Building Construction, Chapter **242**, Signs and Advertising, or any rules, regulations or permits previously adopted or issued thereunder or any health code rules and regulations or any rules, regulations or permits previously adopted or issued thereunder and not in conflict with any of the provisions of this chapter, provided that, where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of a building or requires larger open spaces than are imposed or required by such codes, rules, regulations or permits, the provisions of this chapter shall control.

§295-2605. SCHOOL PROPERTY

A. The School District of Cheltenham Township may erect and/or cause any building or any premises situate in the Township of Cheltenham for educational purposes in any residential, commercial or manufacturing district without the necessity of obtaining consent of the Township Zoning Hearing Board.

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§295-2606. CELLAR APARTMENTS PROHIBITED

A. No apartment shall be constructed or maintained that is in a cellar of any building.

§295-2607. OPEN SPACE STANDARDS.

A. Permitted Uses.

1. Central open space according to the standards below
2. Passive open space
3. Active recreation uses
4. Stormwater management facilities including naturalized basins, ponds, and other best management practices

B. Open Space Design Requirements.

1. Open space areas will maximize common boundaries with open space on neighboring tracts as part of an effort to implement township and county open space, recreation, and comprehensive plans.

2. Natural features such as woodlands, meadows, and streams shall remain in their natural state, but may be modified to improve the health of the ecosystem, as recommended by experts in the particular area being modified. Permitted modifications may include reforestation, woodland management, buffer landscaping, streambank protection, wetlands management, and riparian restoration.

C. To ensure adequate planning for operation and maintenance of common open space, preservation areas, recreation facilities, stormwater management facilities, common parking areas and driveways, private streets and any other common or community facilities (hereinafter referred to as "common facilities"), the following regulations shall apply:

1. Preservation. Common open space shall be restricted in perpetuity from further subdivision and/or land development by deed restriction, conservation easement or other agreement in a form acceptable to the Township Solicitor and duly recorded in the office of the Recorder of Deeds of Montgomery County.

2. Maintenance. A plan for the disposition, use, maintenance and insurance of the common open space, including provisions for funding, shall be provided to and approved by the Township Solicitor prior to preliminary plan approval. The Board of Commissioners may permit or require all or portions of common open space or common facilities be divided among one or more individual lots and may confer responsibility for maintenance of such upon the owner(s) of such lot(s).

3. Use. Common open space shall be available for use by those having an ownership interest in the tract as developed. Portions of the common open space may be designated for use by the general public.

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4. Ownership. The following methods may be used, either individually or in combination, to own common facilities: condominium ownership, fee simple dedication to public agency, dedication of easements to the Township, fee simple dedication to a private conservation organization, transfer of easements to a private conservation organization and/or homeowners' association. Common facilities shall not be eligible for transfer to another entity except for transfer to another method of ownership permitted under this section, and then only where there is no change in the common facilities. Ownership methods shall conform to the following:

    a. Condominium. Common facilities shall be controlled with condominium agreements. Such agreements shall be approved by the Township Solicitor and be in conformance with the Uniform Condominium Act of 1980. *Editor's Note: See 68 Pa.C.S.A. § 3101 et seq.* All land and facilities shall be held as common element.

    b. Fee simple dedication to a public agency. The Township, or other public agency acceptable to the Township, may, but shall not be required to, accept any portion of the common facilities. The Township shall have the right to accept at any time and from time to time the dedication of land or any interest therein for public use, provided that:

        I. Any common facilities are accessible to the residents of the Township.
        II. There is no cost of acquisition (other than any costs incidental to the transfer of ownership, such as title insurance).
        III. The Township, or other public agency acceptable to the Township, agrees to and has access to maintain such common facilities.
        IV. Transfer of easements to a public agency. The Township or other public agency acceptable to the Township may, but shall not be required to, accept easements for public use of any portion of the common facilities, title of which is to remain in private ownership, provided that:

    c. Any common facilities are accessible to the residents of the Township.

    d. There is no cost of easement acquisition (other than any costs incidental to the transfer of ownership, such as title insurance).

    e. A satisfactory maintenance agreement is reached between the owner and the Township.

    f. Fee simple dedication to a private conservation organization. Any owner may dedicate any portion of the common facilities to a private conservation organization, provided that:

        I. The organization is acceptable to the Township and is a bona fide conservation organization with perpetual existence.

DRAFT

II. This conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.
III. A maintenance agreement acceptable to the Township is established between the owner and the grantee, in accordance with Subsection **E**, Maintenance and operation of common facilities.

g. Transfer of easements to a private conservation organization. Any owner may transfer easements on common facilities to a private conservation organization, provided that:

I. The organization is acceptable to the Township and is a bona fide conservation organization with perpetual existence.
II. This conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.
III. A maintenance agreement acceptable to the Township is established between the owner and the grantee, in accordance with Subsection **E**, Maintenance and operation of common facilities.

h. Homeowners' association. Common facilities shall be held in common ownership by a homeowners' association, subject to all the provisions set forth herein and in § 705(f) of the Pennsylvania Municipalities Planning Code. *Editor's Note: See 53 P.S. § 10705(f).* In addition, the homeowners' association shall be governed according to the following:

I. The owner or applicant shall provide to the Township a description of the organization, including its bylaws, and all documents governing maintenance requirements and use restrictions for common facilities.
II. The organization shall be established by the owner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before the sale of any dwelling units within the development.
III. Membership in the organization shall be mandatory for all purchasers of dwelling units therein and their successors and assigns.
IV. The organization shall be responsible for maintenance of and insurance on common facilities.
V. The members of the organization shall share equitably the costs of maintaining, insuring and operating common facilities.
VI. The owner or applicant for any tract proposed to contain common facilities shall arrange with the County Board of Assessment a method of assessment of the common facilities which will allocate to each tax parcel in the development a share of the total assessment for such common facilities. Where this alternative is not utilized, the organization shall be responsible for applicable real estate taxes on common facilities.

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VII. Written notice of any proposed transfer of common facilities by a homeowners' association or the assumption of maintenance for common facilities must be given to all members of the organization and to the Township no fewer than 30 days prior to such event.

VIII. The organization shall have or hire adequate staff, as necessary, to administer, maintain and operate common facilities.

i. Maintenance and operation of common facilities.

I. The applicant shall, at the time of preliminary plan submission, provide a plan for maintenance and operation of common facilities. Said plan shall:

1) Define ownership.
2) Establish necessary regular and periodic operation and maintenance responsibilities.
3) Estimate staffing needs, insurance requirements and associated costs and define the means for funding the same on an ongoing basis.
4) During the first year following final plan approval, the applicant may be required to escrow sufficient funds for the maintenance and operation of common facilities for up to one year.

j. Failure to maintain facilities.

I. In the event that the organization established to own and/or maintain common facilities, or any successor organization thereto, fails to maintain all or any portion of the aforesaid common facilities in reasonable order and condition in accordance with the development plan and all applicable laws, rules and regulations, the Township may serve written notice upon such organization, upon the residents and owners of the uses relating thereto, setting forth the manner in which the organization has failed to maintain the aforesaid common facilities in reasonable condition.

II. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of this chapter, in which case the bond, if any, may be forfeited, and any permits may be revoked or suspended. The Township may enter the premises and take corrective action.

III. The costs of corrective action by the Township shall be assessed ratably, in accordance with tax assessments, against the properties that have the right of enjoyment of the common facilities and shall become a lien on said properties. The Township, at the time of entering upon such common facilities for the purpose of maintenance, shall file a notice of such lien in the office of the Prothonotary of the County, upon the properties affected by such lien.

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§295-2608. WIRELESS TELECOMMUNICATIONS FACILITIES REGULATIONS.

A. Intent

1. To establish uniform standards for the siting, design, permitting, maintenance, and use of wireless telecommunications facilities in the Township of Cheltenham.

2. To promote the health, safety, and welfare of Township residents and businesses with respect to wireless telecommunications facilities.

3. To provide for the managed development of wireless telecommunications facilities in a manner to provide adequate wireless telecommunications services within the Township in accordance with federal and state laws and regulations.

4. To establish procedures for the design, siting, construction, installation, maintenance, and removal of wireless telecommunications facilities in the Township, including facilities both inside and outside the public rights-of-way.

5. To address new wireless technologies, including but not limited to, distributed antenna systems, data collection units, cable wi-fi, and other wireless telecommunications facilities.

6. To encourage the co-location of wireless telecommunications facilities on existing structures rather than the construction of new wireless support structures.

7. To protect Township residents from potential adverse impacts of wireless telecommunications facilities and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape.

8. To update the Township's wireless telecommunications facilities regulations to incorporate changes in federal and state laws and regulations.

1. General Requirements for All Wireless Telecommunications Facilities and Wireless Support Structures

1. Standard of Care. Any wireless telecommunications facility and any associated wireless support structure shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety, and safety-related codes, including but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors, if applicable. Any wireless telecommunications facility and any associated wireless support structure shall at all times be kept and maintained in good condition, order, and repair by qualified

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maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.

2. Wind. Any wireless support structure shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute (ANSI).

3. Public Safety Communications. No wireless telecommunications facility shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

4. Radio Frequency Emissions. No wireless telecommunications facility may, by itself or in conjunction with other wireless telecommunications facilities, generate radio frequency emissions in excess of the standards and regulations of the FCC.

5. Aviation Safety. Wireless telecommunications facilities and any associated wireless support structure shall comply with all federal and state laws and regulations concerning aviation safety.

6. Timing of Approval. Within thirty (30) calendar days of the date that an application for a wireless telecommunications facility is filed with the Township, the Township shall notify the applicant in writing of any information required to complete the application.

   a. All applications for a new wireless support structure shall be acted upon within 150 calendar days of the receipt of a fully completed application and the Township shall advise the applicant in writing of its decision. If additional information was requested by the Township to complete the application, the time required by the applicant to provide the information shall not be counted toward the Township's 150 day review period.

   b. All applications for the modification, replacement, or collocation of a wireless telecommunications facility shall be acted upon within 90 calendar days of receipt of a fully completed application and the Township shall advise the applicant in writing of its decision. If additional information was requested by the Township to complete the application, the time required by the applicant to provide the information shall not be counted toward the Township's 90 day review period.

7. Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a wireless telecommunications facility and any associated wireless support structure, as well as related inspection, monitoring and related costs. Such permit fees shall be determined by the Township and authorized by resolution of the Board of Commissioners, and shall be based on the Township's actual costs as applied to such wireless telecommunications facility and any associated wireless support structure.

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8. Maintenance. The following maintenance requirements shall apply:

   a. All wireless telecommunications facilities and any associated wireless support structures shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

   b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.

   c. All maintenance activities shall utilize the best available technology for preventing failures and accidents.

B. General Requirements for All New Wireless Support Structures

1. Height.

   a. All new wireless support structures shall be designed at the minimum functional height. All new wireless support structures, including all antennas and equipment, shall not exceed a maximum total height of 120 feet. All applicants must submit documentation to the Township justifying the total height of the structure.

   b. Any height extensions to an existing wireless support structure shall require prior approval of the Township, and shall not increase the overall height of the wireless support structure by more than 30 feet and shall not cause the existing structure to exceed the total maximum height limit of 120 feet.

2. Identification. All new wireless support structures shall post a notice in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency, subject to approval by the Township.

3. Painting and Lighting. All new wireless support structures shall be painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings. Wireless support structures shall not be artificially lighted, except as required by law.

4. Noise. All new wireless support structures shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Township Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.

5. Nonconforming Uses. Nonconforming wireless support structures that are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this

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ordinance.

6. FCC License. Each person that owns or operates a wireless support structure shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.

7. Collocation.

   a. An application for a new wireless support structure outside the ROW shall not be approved unless the Township finds that the wireless telecommunications equipment planned for the proposed wireless support structure cannot be accommodated on an existing or approved structure or building. Any application for approval of a new wireless support structure outside the ROW shall include a comprehensive inventory of all existing towers and other suitable structures within a two-mile radius from the point of the proposed structure, unless the applicant can show to the satisfaction of the Township that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.

   b. An application for a new wireless support structure in the ROW shall not be approved unless the Township finds that the proposed wireless telecommunications equipment cannot be accommodated on an existing structure, such as a utility pole or traffic light pole. Any application for approval of a new wireless support structure in the ROW shall include a comprehensive inventory of all existing towers and other suitable structures within a one-mile radius from the point of the proposed structure, unless the applicant can show to the satisfaction of the Township that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.

8. Design Regulations. Any new wireless support structure shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the applicant shall be subject to the approval of the Township.

9. Notice. Upon submission of an application for any new wireless support structure, the applicant shall mail notice thereof to each of the owners of property lying within 300 feet of the boundary lines of the lot for which the application has been filed. Notice shall be served upon the owner by first class mail at the last known address of the property owner according to county records. If service cannot be made upon the owner or occupant, then such property shall be posted by placing the notice on a conspicuous place on the dwelling house, if any, on the property. Such notices shall be supplied by the Zoning Officer, as well as a list of the person or persons to be served, and it shall be

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the obligation of the applicant to see that such service is made at the applicant's expense and proper return of such service made to the Township.

10. Graffiti. Any graffiti on the wireless support structure or on any accessory equipment or structures shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.

11. Removal. In the event that use of a wireless support structure is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned wireless telecommunications facilities, or portions thereof, shall be removed as follows:

    a. All unused or abandoned wireless support structures and accessory facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the Township.

    b. If the wireless telecommunications facility and/or accessory facility is not removed within twelve (12) months of the cessation of operations at a site, or within any longer period approved by the Township, the wireless telecommunications facility and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the wireless telecommunications facility.

    c. Any unused portions of wireless support structures, including antennas, shall be removed within twelve (12) months of the time of cessation of operations. The Township must approve all replacements of portions of a wireless support structure previously removed.

12. Retention of Experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of any new wireless support structure and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The applicant and/or owner of the wireless telecommunications facility shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.

13. Financial Security. Prior to the issuance of a permit for a new wireless support structure, the applicant shall, at its own expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond, or other form of security acceptable to the Township Solicitor, in an amount of $100,000 to assure the faithful performance of the terms and conditions of this Ordinance. The bond shall provide that the Township may recover from the principal and surety any and all compensatory damages incurred by

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the Township for violations of this Ordinance, after reasonable notice and opportunity to cure. The owner shall file the bond with the Township.

C. Additional Requirements for New Wireless Support Structures Outside of the Right-of-Way

1. Permitted in Certain Zones Subject to Regulations. New wireless support structures outside the right-of-way shall be permitted only by Special Exception in the C1 Commercial and LI Light Industrial zoning districts, and subject to the restrictions and conditions provided herein. Additionally, no new wireless support structure shall be located within 100 feet of the zoning district boundary of any residential (R1, R2, R3, and R4) and multifamily residential (M1 and M2) zoning districts, nor within 100 feet of the boundary of any HRO Historic Resource Overlay District within the Township.

2. Zoning Standards. New wireless support structures shall be permitted as either the sole use on a lot or combined with another non-residential use on the same lot. The wireless support structure and any other structures or equipment on the lot must comply with all applicable standards of the underlying zoning district, including but not limited to: minimum lot size and setback requirements.

3. Fence/Screen. A security fence having a maximum height of six (6) feet shall completely surround any new wireless support structure, guy wires, or any accessory equipment or structures. A Screening Buffer per the Township Subdivision and Land Development Ordinance shall be located along the perimeter of the security fence.

4. Accessory Equipment and Structures. All utility buildings and accessory structures shall be architecturally designed to blend into the environment. All utility buildings and accessory structures shall have a maximum building footprint of 600 square feet and a maximum height of 15 feet.

5. Access Road. An access road, turnaround space, and parking shall be provided as needed to ensure adequate emergency and service access to the wireless support structure. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Where applicable, the owner shall present documentation to the Township that the property owner has granted an easement for the proposed facility.

6. Inspection. The Township reserves the right to inspect any wireless support structure to ensure compliance with the provisions of this Ordinance and any other provisions found within the Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a wireless telecommunications facility is located at any time, upon reasonable notice to the operator, to ensure such compliance.

D. Additional Requirements for New Wireless Support Structures in the Right-of-Way

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1. Permitted in Certain Zones Subject to Regulations. New wireless support structures in the right-of-way shall be permitted only by Special Exception in the C1 Commercial and LI Light Industrial zoning districts, and subject to the restrictions and conditions provided herein. Additionally, no new wireless support structure shall be located within 100 feet of the zoning district boundary of any residential (R1, R2, R3, and R4) and multifamily residential (M1 and M2) zoning districts, nor within 100 feet of the boundary of any HRO Historic Resource Overlay District within the Township.

2. Time, Place, and Manner. The Township shall determine the time, place, and manner of construction, maintenance, repair, and/or removal of all wireless support structures in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place, and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.

3. Equipment Location. Wireless support structures in the ROW and any accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the ROW as determined by the Township. Equipment connected to, or associated with, a wireless support structure shall be either attached to the same pole, with at least 12 feet of vertical clearance between the ground and the bottom of the equipment structure, or located underground.

4. Relocation or Removal of Facilities. Within 60 days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a wireless support structure in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any wireless telecommunications facility when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

    a. The construction, repair, maintenance, or installation of any Township or other public improvement in the right-of-way;

    b. The operations of the Township or other governmental entity in the right-of-way;

    c. Vacation of a street or road or the release of a utility easement; or

    d. An emergency as determined by the Township.

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5. Compensation for ROW Use. In addition to permit fees as described Section 295-2708.B.7 above, every wireless support structure in the Township's ROW is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising, and other ROW management activities by the Township. The annual ROW management fee for wireless support structures in the ROW shall be determined by the Township and authorized by resolution of the Board of Commissioners and shall be based on the Township's actual ROW management costs as applied to such wireless support structure.

E. General Requirements for the Collocation, Replacement, or Modification of Wireless Telecommunications Facilities

1. Permitted in All Zones Subject to Regulations. Collocation, replacement, or modification of all wireless telecommunications facilities is permitted in all zones subject to the restrictions and conditions prescribed herein and subject to the prior written approval of the Township.

2. Easement. Where the proposed collocated wireless telecommunications facility will be located on a property with another principal use, the applicant shall present documentation evidencing that the owner of the property has granted an easement, license agreement, or other access agreement satisfactory to the Township for the proposed facility, and that vehicular access is provided to that facility.

3. Removal. In the event that use of a collocated wireless telecommunications facility is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned wireless telecommunications facilities or portions of wireless telecommunications facilities shall be removed as follows:

    a. All abandoned or unused wireless telecommunications facilities and accessory equipment shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the Township.

    b. If the wireless telecommunications facility and/or accessory equipment is not removed within twelve (12) months of the cessation of operations at the site, or within any longer period approved by the Township, the wireless telecommunications facility and/or associated equipment may be removed by the Township and the cost of removal assessed against the owner of the wireless telecommunications facility.

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4. Historic Buildings. No wireless telecommunications facility may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or has been designated by the Township as being of historic significance.

F. Additional Requirements for Collocation, Replacement, or Modification of Wireless Telecommunications Facilities outside the Right-of-Way that Substantially Change the Wireless Support Structure to Which They Are Attached

1. Development Regulations. Collocated wireless telecommunications facilities shall be co-located on existing structures, such as existing buildings or existing wireless support structures subject to the following conditions:

   a. All utility buildings and accessory structures shall be architecturally designed to blend into the environment. All utility buildings and accessory structures shall have a maximum building footprint of 600 square feet and a maximum height of 15 feet.

   b. A security fence having a maximum height of six (6) feet shall completely surround any utility buildings and accessory structures. A Screening Buffer per the Township Subdivision and Land Development Ordinance shall be located along the perimeter of the security fence.

   c. Vehicular access to any utility buildings and accessory structures shall not interfere with the parking or vehicular circulations on the site for the principal use.

2. Design Regulations. Collocated wireless telecommunications facilities located outside the ROW shall employ the most current Stealth Technology available and be treated to match the supporting structure in an effort to minimize aesthetic impact. The application of the Stealth Technology chosen by the applicant shall be subject to the approval of the Township.

3. Inspection. The Township reserves the right to inspect any wireless telecommunications facility to ensure compliance with the provisions of this Ordinance and any other provisions found within the Cheltenham Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a wireless telecommunications facility is located at any time, upon reasonable notice to the operator, to ensure such compliance.

G. Additional Requirements for Collocation, Replacement, or Modification of Wireless Telecommunications Facilities in the Right-of-Way

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1. Collocation. Collocated wireless telecommunications facilities located in the ROW shall be collocated on existing poles, such as existing utility poles or light poles.

2. Time, Place, and Manner. The Township shall determine the time, place, and manner of construction, maintenance, repair, and/or removal of all wireless telecommunications facilities in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place, and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.

3. Design Requirements.

    a. Collocated wireless telecommunications facility installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.

    b. Antennas and all support equipment shall be treated to match the supporting structure. Wireless telecommunications facilities and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.

4. Equipment Location. Collocated wireless telecommunications facilities located in the ROW and any accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the ROW as determined by the Township. Equipment connected to, or associated with, a wireless telecommunications facility shall be either attached to the same pole, with at least 12 feet of vertical clearance between the ground and the bottom of the equipment structure, or located underground.

5. Relocation or Removal of Facilities. Within 60 days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a wireless telecommunications facility located in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any wireless telecommunications facility when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

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a. The construction, repair, maintenance, or installation of any Township or other public improvement in the right-of-way;

b. The operations of the Township or other governmental entity in the right-of-way;

c. Vacation of a street or road or the release of a utility easement; or

d. An emergency as determined by the Township.

6. Compensation for Township ROW Use. In addition to permit fees as described Section 295-2708.B.7 above, every wireless telecommunications facility located in the Township's ROW is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising, and other ROW management activities by the Township. The annual ROW management fee for wireless telecommunications facilities located in the ROW shall be determined by the Township and authorized by resolution of the Board of Commissioners and shall be based on the Township's actual ROW management costs as applied to such wireless telecommunications facility.

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Article XXVII

ADMINISTRATION

§295-2700. ZONING OFFICER

A. For the administration of a zoning ordinance, a zoning officer, who shall not hold any elective office in the municipality, shall be appointed. The Zoning Officer shall meet qualifications established by the municipality and shall be able to demonstrate to the satisfaction of the municipality a working knowledge of municipal zoning. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the Zoning Ordinance. Zoning officers may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of their employment.

§295-2701. DUTIES AND POWERS

A. The Zoning Officer shall have the duty and power to:

1. Keep a report of all plans and applications for permits, and all permits issued with notations as to special conditions attached thereto. All records shall be open for public inspection.

2. Review applications for permits for erections or alterations of structures or changes of use, determine whether such construction or use is in accordance with the general requirements of this Ordinance, all other applicable Ordinances of the Township, and with the laws and regulations of the Commonwealth of Pennsylvania. The Zoning Officer shall issue no permit unless it conforms with all applicable ordinances, statutes, and regulations of Cheltenham Township.

3. Conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance. In carrying out such surveys, the Zoning Officer or his or her representatives may enter upon any land or building within the Township within the limits of law regarding trespass and illegal search.

4. Make written orders requiring compliance with the provisions of this Ordinance to be served personally or by registered mail.

5. Institute civil enforcement proceedings for the enforcement of provisions of this Ordinance, when acting within the scope of his or her employment.

6. Maintain a map showing the current zoning classification of all land within the Township.

7. Maintain a map and register showing the registration, identity, location, and type of all nonconforming uses within the Township.

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8. Participate in all proceedings before the Township Zoning Hearing Board, present facts and information to assist the Board in reaching decisions which shall be compatible with this Ordinance.

§295-2702. PERMITS

A. No building permit shall be issued until the Zoning Officer has certified that the proposed building, alteration or use complies with all the provisions of this chapter.

B. It shall be unlawful for any person to commence work for the erection or alteration of any building until a building permit has been duly issued therefor.

§295-2703. APPLICATION FOR PERMIT

A. The Zoning Officer shall require that the application for a building permit and the accompanying plot plan, prepared by a registered civil engineer or land surveyor, shall contain all the information necessary to enable him to ascertain whether the proposed building complies with the provisions of this chapter.

§295-2704. APPEALS

A. An appeal from the determination of the Zoning Officer shall be taken within the limits and according to the procedures described in the Pennsylvania Municipalities Planning Code.

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Article XXVIII

CHELTENHAM TOWNSHIP ZONING HEARING BOARD

§295-2800. MEMBERSHIP

A. The Township Zoning Hearing Board shall consist of three members appointed by the Board of Commissioners as provided by law. The word "Board" when used in this article shall mean the Township Zoning Hearing Board.

B. The Zoning Hearing Board of Cheltenham Township shall increase by adding one, two or three residents to serve as alternate members of the Board. The Township Zoning Hearing Board will continue to have three members to hear applications, and, when required, a member will be replaced by an alternate. The Township Zoning Hearing Board Chairman will determine if an alternate is needed and, if there is more than one alternate, who will serve at any hearing. An alternate who participates in a Zoning (Board) hearing will remain on that panel until that particular case is concluded. No more than two alternates will serve on a panel at any time.

§295-2801. POWERS AND DUTIES

A. The Board shall have the following powers, all of which shall be carried out in accordance with the Pennsylvania Municipalities Planning Code:

1. Appeals. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Zoning Officer in the enforcement of this chapter.

2. Special exceptions. To hear and decide special exceptions to the terms of this chapter in such cases as are herein expressly provided for.

3. Variances. To authorize upon appeal in accordance with the law, in specific cases, variances from the terms of this chapter.

4. Validity challenges. To hear and decide all challenges to the validity of this chapter or the Zoning Map properly brought before the Township Zoning Hearing Board in accordance with the law.

5. Reasonable accommodations. To hear and decide requests for a reasonable accommodation where the applicant shows entitlement pursuant to the provisions of these ordinances and the Fair Housing Amendments Act.

B. In exercising the above-mentioned powers, the Board shall:

1. Reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination appealed from.

2. Make such order, requirement, decision or determination as ought to be made.

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3. Impose appropriate conditions and safeguards.

C. Applications, hearings and decisions regarding variances and special exceptions in the various zoning districts shall be governed by the provisions of such districts as well as the provisions of this article. In the event that there is a conflict between the provisions of this article and the provisions set forth in the various zoning districts, those set forth in the zoning districts shall take precedence and be controlling over the provisions of this article.

§295-2802. RULES AND PROCEDURE

A. The Township Zoning Hearing Board shall make, alter and rescind rules and forms for its procedure, consistent with the Township Code and the law.

B. The Board of Commissioners shall make such rules and regulations applicable to the Office of the Zoning Officer in order to establish the process for considering a request for reasonable accommodation under this chapter. These rules and regulations shall include, but not be limited to, the following:

1. Mandatory direction to the Zoning Officer to post a notice of accommodation for residences of people with disabilities;

2. Mandatory direction to the Zoning Officer to provide a fair housing accommodation request at his Township office upon demand; and

3. Mandatory direction to the Zoning Officer to place legends on all zoning and permit applications so that applicants may indicate that the application is for a reasonable accommodation.

C. Following a written request for a reasonable accommodation to the procedures of the Zoning Hearing Board, the township Zoning Hearing Board shall modify its procedures in order to provide an accelerated schedule of hearings as follows:

1. Respecting the availability of the members of the Township Zoning Hearing Board and the rights of any participant to a proceeding before the Township Zoning Hearing Board, the Zoning Hearing Board shall schedule special hearings to consider requests for a reasonable accommodation;

2. Where possible, the Township Zoning Hearing Board shall render its decision regarding a request for a reasonable accommodation in a timely manner; and

3. The Township Zoning Hearing Board shall schedule a hearing to consider a request for a reasonable accommodation according the minimum time, but in no case less than two weeks, in order to provide notice under these ordinances.

D. The Board of Commissioners shall establish such rules and regulations and require such forms and applications as will ensure that a request for a reasonable accommodation is processed by the Zoning Officer in a timely manner.

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§295-2803. PUBLIC HEARINGS; ACTION; APPEALS

A. Upon the filing with the Board of an appeal or an application for a special exception or a variance or of a challenge as to the validity of this chapter or the Zoning Map, the Board shall fix a reasonable time and place for a public hearing thereon and shall give notice thereof as follows:

1. By publishing a notice thereof once a week for two successive weeks in a newspaper of general circulation published in the Township.

2. By mailing due notice thereof to the parties in interest.

3. By mailing notice thereof to the Township Commissioner representing the ward in which the lot or building is located.

4. By mailing notice thereof to every resident or association of residents of the Township who shall have registered their names and addresses for this purpose with the Board.

5. By mailing notice thereof to the owner or owners, if their residence is known, or to the occupier or occupiers of every lot on the same street within 500 feet of the lot or the building in question and of every lot not on the same street within 150 feet of the lot or building, provided that failure to give notice required by this subsection shall not invalidate any action taken by the Board.

B. The notices herein required shall state the location of the building or the lot and the general nature of the question involved.

C. The hearings shall be conducted by the Board, or the Board may appoint any member as a hearing officer. The decision or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

D. The parties to the hearing shall be the Township of Cheltenham, any person affected by the application who has made timely appearance of record before the Board and any other person, civic or community organization permitted to appear before the Board. All persons who wish to be considered parties shall enter an appearance in writing on forms provided by the Board for that purpose.

E. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

F. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer.

G. If the hearing is conducted by a hearing officer and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties, and the parties shall be entitled to make written representations

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thereon to the Board prior to the final decision or entry of findings, and the Board's decision shall be entered no later than 45 days after the decision of the hearing officer.

H. Any appeal from an administrative official's action, order or interpretation must be filed within 30 days of the issuance of such action, order or interpretation.

§295-2804. CRITERIA FOR GRANTING SPECIAL EXCEPTIONS AND VARIANCES

A. An applicant for a special exception shall have the burden of establishing both:

1. That the application falls within the provision of this chapter which accords to the applicant the right to seek a special exception; and

2. That allowance of the special exception will not be contrary to the public interest.

B. An applicant for a variance shall have the burden of establishing both:

1. That a literal enforcement of the provisions of this chapter will result in unnecessary hardship, as that term is defined by law, including court decisions; and

2. That allowance of the variance will not be contrary to the public interest.

C. In determining whether the allowance of a special exception or a variance is contrary to the public interest, the Board shall consider whether the application, if granted, will:

1. Adversely affect the public health, safety and welfare due to changes in traffic conditions, drainage, air quality, noise levels, natural features of the land, neighborhood property values and neighborhood aesthetic characteristics.

2. Be in accordance with the Cheltenham Township Comprehensive Plan.

3. Provide the required parking.

4. Adversely affect the logical, efficient and economical extension or provision of public services and facilities such as public water, sewers, refuse collection, police and fire protection and public schools.

5. Otherwise adversely affect the public health, safety, morals or welfare.

D. In all cases, the applicant's burden of proof shall include the duty of presenting credible evidence sufficient to persuade the Board that the applicant has satisfied the criteria set forth in either Subsections **A(1)** or **B(1)** of this section, whichever is applicable. In any case where the Board requests that the applicant produce evidence relating to the criteria set forth in Subsection **C** of this section or where any other party opposing the application shall claim that an allowance of the application will have any of the effects listed in Subsection **C** of this section, the applicant's burden of proof shall include the burden of presenting credible evidence sufficient to persuade the Board that allowance of a special exception or variance will not be contrary to the public interest with respect to the criteria so placed in issue.

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§295-2805. CRITERIA FOR GRANTING REASONABLE ACCOMODATIONS

A. An applicant for reasonable accommodation shall have the burden of establishing that:

1. The residents or proposed residents of the premises are handicapped.

2. The premises are to be used as a dwelling for persons with handicaps.

3. The specific accommodation to the rules and regulations of the ordinances of the Township may be necessary to afford persons with handicaps an equal opportunity to housing in the Township.

B. In determining whether a requested accommodation is reasonable, the Township Zoning Hearing Board shall consider:

1. Whether the requested accommodation will cause any undue fiscal or administrative burdens upon the Township; and

2. Whether the requested accommodation would require a fundamental alteration in a legitimate rule, policy or procedure of the Township.

§295-2806. TIME RESTRICTION FOR RENEWAL OF APPLICATION

A. An application to the Board for a special exception, variance and/or reasonable accommodation, if refused, shall not be renewed within the period of one year, unless there has been a change in conditions and unless the renewed application distinctly sets forth such change.

§295-2807. EXPIRATION

A. Unless otherwise specified by the Board, a special exception, variance or reasonable accommodation shall expire if the applicant fails either to obtain a building permit or commence the use specified in the Township Zoning Hearing Board's decision on the appeal within one year from the date of authorization thereof.

§295-2808. APPEAL TO COURT

A. Any persons aggrieved by the decision of the Township Zoning Hearing Board may within thirty (30) days thereafter appeal to the Court of Common Pleas of Montgomery County in accordance with the provisions of Article X-A of the Pennsylvania Municipal Planning Code, as amended.

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Article XXIX

VIOLATIONS, FINES, REMEDIES, AND CHANGES

§295-2900. VIOLATIONS, CAUSES OF ACTION

A. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of the Township's Zoning Ordinance, the Board of Commissioners or, with the approval of the Board of Commissioners, an officer of the Township or any aggrieved owner or tenant of real property who shows that his or her property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate legal action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Board of Commissioners. No such action may be maintained until such notice has been given.

§295-2901. ENFORCEMENT NOTICE

A. If it appears to the Township a violation of the Zoning Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.

B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

C. The enforcement notice shall state at least the following:

1. The name of the owner of record and any other person against whom the Township intends to take action.

2. The location of the property in violation.

3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance, and the steps which must be taken to correct the violation.

4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance. That failure to comply with the notice within the time specified, unless

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extended by appeal to the Township Zoning Hearing Board, constitutes a violation, with possible sanctions as described herein

§295-2902. ENFORCEMENT REMEDIES AND FINES

A. Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of the Zoning Ordinance, shall upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than $500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof.

B. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the District Justice.

C. If the defendant neither pays, nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.

D. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation, further determines that there was a good faith basis for the person, partnership, or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

E. All judgments, costs, and reasonable attorney fees collected for the violation of the Zoning Ordinance shall be paid over to the Township.

F. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

G. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

§295-2903. CHARGES

A. Charges for applications, permits, certificates, etc., shall be as stated in resolutions adopted by Board of Commissioners, in accordance with applicable laws.

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Article XXX

AMENDMENTS

§295-3000. POWER TO AMEND

A. The Board of Commissioners may from time to time amend, supplement, change, modify or repeal this chapter, including the Zoning Map, by proceeding in the following manner and in accordance with the Municipalities Planning Code.

§295-3001. PUBLIC HEARING; NOTICE

A. The Board of Commissioners shall fix by resolution the time and place of a public hearing on the proposed amendment and cause notice thereof to be given as follows:

1. By publishing a notice thereof once a week for two successive weeks in a newspaper of general circulation in the Township, the first publication to be not more than 30 days and the second publication shall not be less than seven days from the date of the hearing.
2. By mailing a notice thereof to every resident or association of residents of the Township who shall have registered their names and addresses for this purpose with the Township Zoning Hearing Board.

3. The notices shall state the general nature of the proposed amendment.

§295-3002. PROCEDURE AT PUBLIC HEARING

A. At the time scheduled for the public hearing, the following procedure will be followed:

1. No petition shall be amended after being advertised for public hearing.

2. The presiding officer or secretary will announce the hearing and describe the location or area included in the petition or cause the same to be done.

3. The petitioner, his attorney or representative may submit evidence in support of the petition. He may produce such testimony as he chooses, but the presentation of his case must be completed within 30 minutes, except by special permission of the Board.

4. Evidence in opposition to the petition will be received from any citizen, community association or party in interest, or his, its or their attorney or representative. Opposition testimony must be completed within 45 minutes except by special permission of the Board.

5. In rebuttal, the petitioner, his attorney or representative may answer points raised by opponents of the requested amendment, but no new subject matter may be introduced, and such rebuttal must be completed within 15 minutes, except by special permission of the Board.

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6. Questions and comments by any citizen present or any civic association or other organization will be permitted at the conclusion of the foregoing testimony, when special permission is granted by the Board.

7. After the conclusion of a public hearing on a requested amendment, no additional evidence will be received by the Board, nor will any further communication, either written or oral, be considered by the Board, unless a further public hearing is scheduled.

§295-3003. CITIZEN'S PETITION FOR ZONING CHANGE

A. Whenever a landowner who desires to challenge, on substantive grounds, the validity of this chapter or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest submits to the Board of Commissioners a curative amendment with a written request that his challenge and proposed amendment be heard and decided, it shall be the duty of the Board of Commissioners to hold a public hearing thereon within 60 days of said request, notice of said hearing to be given as provided in § 295-3001.

§295-3004. OPPORTUNITY TO BE HEARD

A. At such public hearing, full opportunity to be heard shall be given to any citizen and all parties in interest.

§295-3005. TIME RESTRICTIONS ON APPEALS FOR AMENDMENTS

A. No appeal for an amendment shall be accepted, if based upon the same data, a second time within one year of the date of the original hearing.

Appendix A

ZONING MAP AMENDMENTS

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