CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2326-16

AN ORDINANCE OF THE TOWNSHIP OF CHELTENHAM AMENDING THE ZONING CODE TO REQUIRE THREE OR MORE OF CERTAIN OF THE USES LISTED IN SUBSECTION 295-258.D. IN CONJUNCTION WITH MULTIPLE DWELLING USE IN THE M4 ZONING DISTRICT, TO MODIFY DENSITY IN THE M4 ZONING DISTRICT, TO MODIFY THE AMOUNT OF PERMISSIBLE 3-BEDROOM MULTIPLE DWELLING UNITS, TO DELETE APARTMENT HOTEL USE, AND TO PERMIT CERTAIN ADDITIONAL USES CONSISTING OF RETAIL SHOP, BANK, PERSONAL CARE BUSINESS, PROFESSIONAL SERVICE BUSINESS, AND MUNICIPAL BUILDING.

WHEREAS, the Historic Preservation, Cultural and Artistic Use, and other Multiple Uses District ("M4 Zoning District") was adopted by the Board of Commissioners of Cheltenham Township by Ordinance on August 5, 2014; and

WHEREAS, during the development and drafting of a comprehensive zoning ordinance amendment certain enhancements for a proposed new district have come to the attention of the Board of Commissioners which the Board would like to incorporate into the M4 District.

WHEREAS, the Board of Commissioners of Cheltenham Township has determined to modify certain of the requirements and add certain requirements to the Use Regulations in the M4 Zoning District; and

NOW, THEREFORE, the Board of Commissioners of Cheltenham Township, in session duly assembled, does hereby **ENACT** and **ORDAIN** as follows:

SECTION I – Amendment to the Code

Section 295-258 of the Codified Ordinances of Cheltenham Township is hereby amended to add a new Subsection F. as follows (new terms in bold):

F. **Notwithstanding anything herein to the contrary, Multiple Dwellings shall be permitted in the M4 District only if, in addition to the uses and square footage required by Subsection 295-258.B. : (1) three (3) or more of the uses listed in Subsection D, except D.5 and D.8, are included in the master plan; (2) such Subsection D uses are developed at the same time as the Multiple Dwellings and as part of the lot, or lots under common ownership, which contain Historic Resources; (3) such Subsection D uses occupy no less than fifteen thousand (15,000) square feet in the aggregate; (4) solely for the**

purpose of complying with the preceding Clause (1) of this Subsection F and not as a general limitation, only a single use of those listed in each Subsection D.1. through D.18. shall be counted as a permitted use (e.g. a restaurant and tea room cannot be separate qualifying uses for purposes of Clause (1)); and (5) a hotel shall count as separate use but shall not count toward the required square footage of fifteen thousand (15,000) square feet in the aggregate, provided further, however, that a separate use permissible under this Article within the hotel shall count as a use and as part of the minimum square footage within the meaning of Clauses (1) and (3) above.

SECTION II – Amendment to the Code

Subsection 295-258.C.1. of the Codified Ordinances of Cheltenham Township is hereby amended in its introductory paragraph as follows (new terms in bold, deleted terms crossed out):

C. 1. Notwithstanding anything herein to the contrary **except for any additional dwelling units permitted if a hotel is developed under Subsection D.4. below**, there shall be no more than **ninety** (**90**) ~~two hundred and fifty (250)~~ units of Multiple Dwellings per tract held in common ownership at the date of establishment of the M4 District. Multiple Dwellings are permitted in the M4 District, subject to a maximum density of **three** (**3**) ~~eight(8)~~ dwelling units for each one (1) acre of Developable Acreage, but in the aggregate no more than such **ninety** (**90**) ~~two hundred and fifty (250)~~ units of Multiple Dwellings per tract held in common ownership at the date of establishment of the M4 District, subject further to subsections 1.a., 1.b., **and** l.c. below and the **increase** ~~reduction~~ in units of Multiple Dwellings in accordance with Subsection D.4. below.

SECTION III – Amendment to the Code

Subsection 295-258.C.1.a.(iv) is hereby amended as follows (new terms in bold, deleted terms crossed out):

(iv) The units of Multiple Dwellings permitted by this Article shall be not more than 1, 2 or 3-bedrooms**,** with the 3-bedroom dwelling units comprising no more than **ten percent (10**~~40~~%**)** of the total number of dwelling units in a building.

SECTION IV – Amendment to the Code

Subsection 295-258.C.1.(c) of the Codified Ordinances of Cheltenham Township is hereby amended by deleting a portion of existing C.1.(c) as follows: (new terms in bold, deleted terms crossed out):

(c) The calculated density of multiple dwelling units per one acre of Developable Acreage shall not be reduced by the presence of nonresidential buildings or uses (including but not limited to hotels) within the same lot, though the lot shall be required to comply with the minimum lot area, building coverage and impervious coverage limitations applicable in the M4 District.~~:~~ ~~provided however, that foe each two units (whether single rooms or suites) in a hotel or partment hotel, the multiple-dwelling density calculation shall be reduced by one unit.~~

SECTION V – Amendment to the Code

Subsection 295-258.D. of the Codified Ordinances of Cheltenham Township is hereby amended by deleting the words "and apartment hotels", modifying a portion of existing Section D.4, deleting Sections D.10 and D.11 and adding Subsections D.10 to D.16, as follows: (new terms in bold, deleted terms crossed out):

D. The following uses in a single building (whether or not a separate building with only that use or uses), more than one use in a building or in multiple buildings, including hotels ~~and apartment hotels~~ as set forth in Section D(4) below, or not in a building, are permitted:…

4. ~~Apartment hotel lodging, up to eighteen (18) units per acre~~ ~~or~~ ~~h~~Hotel lodging ~~up to thirty-two (32) units per acre~~ but in no event more than **125** ~~250 units~~ **rooms** ~~in the aggregate~~ per tract, defined as all contiguous lots in common ownership at the date this District is established. In a building containing or attached to ~~an apartment hotel or~~ **a** hotel, ~~or on the same lot,~~ ….~~The total number of Multiple Dwelling units, hotel rooms and apartment hotel units, on the tract described in this paragraph, shall be a maximum of five hundred (500) less the number of Multiple Dwelling units required to be deducted due to the calculation under Section 295-258 C.1.a.(iii) above from the maximum number of Multiple Dwelling units (250 or less, as applicable). For example, if there are 40 acres of Developable Acreage on the tract held in common ownership at the date of establishment of the M4 District, at 8 units per acre of Developable Acreage, a maximum of 250 units would be allowed subject to the calculation pursuant to Section 295-258.C.1.a(iii) above. If fifty (50) hotel units are proposed by the developer, then pursuant to Section 295-258.C.1.a(iii), the number of Multiple Dwelling units permitted on the tract held in common ownership at the date of establishment of the M4 District would be reduced by one (1) unit for each two (2) hotel units, resulting in a maximum number of Multiple Dwelling units of 225 units with 50 hotel units.~~ **If a hotel is included in the master plan and developed under this Subsection D.4., the number of Multiple Dwelling units otherwise permitted in this District shall be increased by one (1) unit for each ten (10) hotel rooms but not exceeding ten (10) additional Multiple Dwelling units.**

10. Retail Shop. A small shop or a store where the single principal use of the premises is the retail sale of goods and merchandise, and whose marketplace draw is considered as largely local in scope or services:

a. there shall be no outdoor display or storage unless permitted by district regulations;

b. the making or selling of cooked food shall not be permitted as an accessory use;

c. only one (1) business enterprise is permitted on the premises or lot;

d. the gross leasable floor area devoted to retail use and storage is less than 5,000 sq. ft.; and

e. the retail use employs no more than two (2) employees per 1,000 sq. ft. of gross leasable floor area of the retail shop.

11. 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.

12. Personal Care Business. By special exception, a personal care business requiring direct, physical contact with the customer in the performance of a personal service, and shall include such uses as barber, beautician, and nail manicurist. Such uses generally require a license from the State Department of Professional Occupations.

13. Professional Service Business. Such use shall include businesses which typically offer service in conjunction with the sale of goods. Such uses differ from retail 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 provided for in this Zoning Code.

14. Municipal Building.

15. In addition to any other accessory use expressly permitted in this District, any accessory use on the same lot with and customarily incidental to any of the above permitted uses.

16. Any use of the same general character as any of the uses hereinbefore specifically permitted when authorized as a special exception, but not to include any use permitted only in a less-restricted district.

SECTION VI – Severability

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

SECTION VII – Failure to Enforce Not a Waiver

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION VIII – Repealer

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

SECTION IX – Effective Date

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

ORDAINED AND ENACTED into an Ordinance this 20th day of April, 2016.

ATTEST:

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Bryan T. Havir
Township Manager and Secretary

TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS

By:_____
Morton J. Simon, Jr., President