

**CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2371-18

“AMENDMENT TO 2017 ZONING CODE”

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 295, ZONING, OF THE CHELTENHAM TOWNSHIP CODE OF ORDINANCES TO AMEND: THE TABLE OF CONTENTS TO ADD ARTICLE XXII (RESERVED); ARTICLE III, “DEFINITIONS”, SECTION 295-301, DEFINITION OF “FAMILY”, TO DELETE THE REFERENCE TO SECTION “295-2401.D.2.a” AND TO REPLACE IT WITH “295-2301.D.2.a”; AMENDING ARTICLE III, “DEFINITIONS”, SECTION 295-301 DEFINITION OF “FLOODPLAIN, FLOODWAY, FLOODWAY FRINGE, APPROXIMATED FLOODPLAIN; SUPPLEMENTARY FLOOD PLAIN”, TO DELETE A REFERENCE TO ARTICLE “XXI” AND TO REPLACE IT WITH ARTICLE “XIX”; ARTICLE III, SECTION 295-301, DEFINITION OF “SHED”, TO DELETE THE MAXIMUM SIZE AND HEIGHT LIMITATIONS SECTION AND CROSS-REFERENCE THE MAXIMUM SIZE LIMITATIONS FOR ACCESSORY STRUCTURES IN SECTION 295-405.A.1; ARTICLE IV, “USE REGULATIONS”, SECTION 295-405.A.7.n.VI. TO REPLACE THE TERM “FINANCE DEPARTMENT” WITH THE TERM “TAX OFFICE”; AMEND ARTICLE IV “USE REGULATIONS”, SECTION 295-405.E.7. “USE E-7: SPECIALIZED MEDICAL SERVICES” TO ADD THE TERM “SPECIALIZED” TO THE TEXT; AMEND ARTICLE IV “USE REGULATIONS”, SECTION 295-405 F.3.A. “CATEGORIES OF PERMITTED USE”, “USE F-3: GOLF COURSE”, TO ADD THE TERMS “INCLUDING, BUT NOT LIMITED TO, CHIP AND PUTT AND SIMILAR USES” AND TO DELETE “60” AND REPLACE IT WITH “100”; ARTICLE IV, “USE REGULATION”, SECTION 295-405.H., TO ADD A NEW SECTION 3, “USE H-3: SANITARY SEWAGE EQUALIZATION TANK AND/OR SANITARY SEWAGE TREATMENT PLANT:”; ARTICLE XII “C2 COMMERCIAL DISTRICTS”, SECTION 295-1202.B.1 “CLASS TWO USES PERMITTED BY RIGHT”, TO DELETE THE WORDS “ONE HUNDRED AND TWENTY FIVE” AND REPLACE THEM WITH “ONE HUNDRED”; ARTICLE XII TO ADD A NEW

SECTION “C2 COMMERCIAL DISTRICT”, SECTION 295-1203 “DESIGN STANDARDS”; ARTICLE XVI, “LIGHT INDUSTRIAL DISTRICTS”, SECTION 295-1601.A TO ADD USE “H-3: SANITARY SEWAGE EQUALIZATION TANK AND/OR SANITARY SEWAGE TREATMENT PLANT” AS NO. 32 AND TO RENUMBER NOS. 32-34; ARTICLE XIX “FLOODPLAIN CONSERVATION OVERLAY DISTRICT”, SECTION 295-1902.A., TO DELETE THE TERM “DECEMBER 19, 1996” AND TO REPLACE IT WITH THE TERM “MARCH 2, 2016”, AND FURTHER TO DELETE THE REFERENCE IN SECTION 295-1907.A. “IDENTIFICATION FLOODPLAIN AREAS”, TO DELETE THE TERMS “DECEMBER 19, 1996” AND TO REPLACE WITH THE TERMS “MARCH 2, 2016”; ARTICLE XXVI, “GENERAL REGULATIONS”, SECTION 295-2601.A. TO ADD A MAXIMUM WIDTH OF A DRIVEWAY; AND ARTICLE XXVII, “ADMINISTRATION”, SECTION 295-2702.A. AND B. TO DELETE THE WORD “BUILDING” IN EACH PARAGRAPH; ARTICLE XXX, “AMENDMENTS” SECTION 295-3001.A. “PUBLIC HEARING; NOTICE”, TO ADD THE TERMS “OR MOTION AT A PUBLIC MEETING” BEFORE THE TERMS “THE TIME AND PLACE...”.

WHEREAS, the Board of Commissioners of Township of Cheltenham, Montgomery County, Pennsylvania comprehensively amended Chapter 295, Zoning of the Township Code of Ordinances, as well as the Cheltenham Township Zoning Map, in their entirety on November 15, 2017; and

WHEREAS, a few typographical errors and other desired changes have been brought to the attention of the Building & Zoning Committee for correction, clarification and revision; and

WHEREAS, a public hearing has been held to receive public comment on the above-referenced zoning ordinance amendments.

NOW, WHEREFORE, the Board of Commissioners of the Township of Cheltenham, Montgomery County, Pennsylvania hereby **ORDAINS** that the Cheltenham Code of Ordinances, Chapter 295 “Zoning” is amended as follows:

SECTION I. Amendment to the Code.

The Codified Ordinances of Cheltenham Township, Chapter 295, Zoning, are amended as follows (new text underscored):

In the Table of Contents, add: Article XXII (RESERVED).

In Article III, Section 295-301, “Definitions”, within the term “FAMILY”, the term “295-2401.D.2.a” is deleted and replaced with “295-2301.D.2.a”.

In Article III, Section 295-301, “Definitions”, within the term “SHED”, the following sentence is deleted: “The ground footprint of a shed shall not exceed the perimeter of a rectangle 12 ft. by 15 ft.; the maximum height to the apex of the roof of a shed shall be 15 feet.” and is replaced with the following sentence: “The dimensions of a shed shall comply with Section 295-405.A.1.a-g.”

In Article III, Section 295-301, “Definitions”, within the term “FLOODPLAIN, FLOODWAY, FLOODWAY FRINGE, APPROXIMATED FLOODPLAIN; SUPPLEMENTARY FLOODPLAIN”, the term “XXI” is deleted and replaced with the term “XIX”.

In Article IV, “USE REGULATION”, Section 295-405.A.7.n.VI, the term “Finance Department” is deleted and replaced with the terms “Tax Office”.

In Article IV, Section 295-405, “Categories of Permitted Uses”, Subsection E “Office Uses”, Subsection 7 “Use E-7: Specialized Medical Services:” add the following term:

Such a use shall consist of an office offering specialized medical diagnosis and treatment, including, but not limited to, dialysis centers and virtual colonoscopy facilities; provided, however, that specialized medical services shall not include uses included in the definition of E-6: Substance Abuse Treatment and Rehabilitation Facilities.

In Article IV, “USE REGULATION”, Section 295-405.F.3.A. “Use F-3: Golf Course”, insert the following terms “including but not limited to chip and putt and similar uses” immediately before the word “may” and the term “60” is deleted and replaced with “100”.

In Article IV, “USE REGULATION,” Section 295-405.H., add a new Section 3:

Use H-3: Sanitary Sewage Equalization Tank and/or Sanitary Sewage Treatment Plant: Such use shall include a sanitary sewage equalization or holding tank, a sanitary sewage treatment plant, a package sewage treatment plant and other similar sanitary sewage detention or treatment facilities.

In Article XII, “C2 COMMERCIAL DISTRICTS”, Section 295-1202.B.1. “Class Two Uses Permitted By Right”, “Minimum Lot Area and Width”, the term “One Hundred Twenty Five” is deleted and replaced with the term “One Hundred”.

In Article XII, “C2 COMMERCIAL DISTRICTS”, add a new Section 295-1203. DESIGN STANDARDS as follows:

Section 295-1203. DESIGN STANDARDS

A. Architectural design standards have been incorporated into this district to ensure that the size and proportions of 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 of Class One and Class Two uses.

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 building 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 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 other 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. Use B-31: Shopping Centers exceeding 50,000 square feet in gross leasable floor area shall also comply with 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 that front on a public area or public street shall have at least one customer entrance that is clearly defined by architecture and landscaping.

7. 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.

In Article XVI, “LIGHT INDUSTRIAL DISTRICTS”. Section 295-1601.A, add: 32 Use H-3: Sanitary Sewage Equalization Tank and/or Sanitary Sewage Treatment Plant; and furthermore, renumber existing No. 32 as No. 33, renumber existing No. 33 as No. 34, and renumber existing No. 34 as No. 35.

In Article XIX, “FLOODPLAIN CONSERVATION OVERLAY DISTRICT”, Section 295-1902, “APPLICABILITY”, the term “December 19, 1996” is deleted and replaced with “March 2, 2016”. Also in Article XIX, Section 295-1907, “Identification of Floodplain Area”, the term “December 19, 1996” is deleted and replaced with the term “March 2, 2016”.

In Article XXVI “GENERAL REGULATIONS”, Section 295-2601.A add the following sentence: “The maximum width of a driveway shall not exceed the lesser of 18 feet or 50% of a property’s street frontage.”

In Article XXVII “ADMINISTRATION”, Section 295-2702.A, “Permits”, delete the term “Building” located between the term “no” and the term “permit”. Likewise, in Subsection B delete the term “Building” located between the term “a” and the term “permit”.

In Article XXX “Amendments”, Section 295-3001.A. “Public Hearing; Notice”, add the terms “or motion at a public meeting” before the terms “the time and place...”.

SECTION II. 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 III. Disclaimer.

Nothing in this Ordinance shall limit, in any manner whatsoever, the Township's right to enforce any ordinance or law of the Township, Montgomery County or the Commonwealth of Pennsylvania, or be a defense to any citation issued by the Township or the Commonwealth of Pennsylvania pursuant to any other law or ordinance.

SECTION IV. 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 V. Repealer.

All ordinances, or parts of ordinances, of the Township which shall be inconsistent with this Ordinance shall be, and the same expressly are, repealed.

SECTION VI. Effective Date.

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

ORDAINED AND ENACTED by the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania following a duly advertised public hearing at its regularly-scheduled meeting held at Curtis Hall, 1250 West Church Road, Wyncote, Pennsylvania this 20th day of June, 2018.


ENACTED AND ORDAINED, this 20th day of June, 2018.

ATTEST:

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**



Bryan T. Havir
Township Manager and Secretary

By: 

Daniel B. Norris, President