

ORDINANCE NO. _____

**CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

AN ORDINANCE PURSUANT TO THE FIRST CLASS TOWNSHIP CODE AND THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE AMENDING CHAPTER 295, THE ZONING CODE OF CHELTENHAM TOWNSHIP, TO AMEND THE USES IN THE MU-1 MIXED USE ZONING DISTRICT AND TO ESTABLISH REGULATIONS FOR CONVENIENCE STORES WITH FUEL SALES.

WHEREAS, convenience stores now sometimes include the sale of gasoline and other motor vehicle fuels; and

WHEREAS, it would benefit the health and welfare of the Township to allow convenience stores with gasoline and other motor vehicle fuels in the MU-1 Mixed Use Zoning District, and

NOW, THEREFORE, BE IT ENACTED and ORDAINED that the Board of Commissioners of the Township of Cheltenham, hereby ordains (new text underscored):

SECTION 1: AMENDMENT TO ARTICLE XIII – MU-1 MIXED USE DISTRICT, Section 295-1301 Permitted Uses A. is hereby amended to permit the following use: Use B-9: Convenience Store.

SECTION 2: AMENDMENT TO ARTICLE IV – USE REGULATIONS, Section 295-405 category of permitted uses B.9 entitled “Use B-9: Convenience Store:” is hereby amended to delete in its entirety existing Use B-9: Convenience Store and replace it as follows:

§295-405.(B)(9)

Use B-9: Convenience Store: A convenience store is an individual store or a group of stores on one (1) lot where retail trade intended for quick sale and carry-out and/or the sale of gasoline products, other petroleum fuels and/or alternative fuels for vehicles 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 take-out coffee, tobacco and tobacco related products, dairy products, delicatessen, dry goods, prepared foods for eat in or carry out, pre-packaged food, grocery items, newspaper items, and similar product lines including the sale of fuel products. Engaging in the sale of tobacco and/or tobacco products of 20% or more of the total sales is prohibited.

(a) The following accessory uses shall be permitted inside, provided two (2) additional parking spaces per use can be provided:

[1] Automated teller machines and financial services.

[2] Legal lottery sales.

(b) Separate and distinct ingress and egress patterns shall be provided on the lot.

(c) A minimum of two (2) separate and remote trash receptacles and one (1) recycling receptacle shall be provided and maintained outdoors for pedestrian use.

(d) No outside vending machines, outside sales but for motor vehicle or cooking fuel, ATMs or phones are permitted.

(e) Facilities for dumpsters shall be screened, according to the provisions of this Section or inside trash compactors and storage shall be provided.

(f) The square footage of the building shall not exceed 6,000 sq. ft.

(g) When a convenience store includes the sale of gasoline products, other petroleum fuels and/or alternative fuels for vehicles at individual pumps underneath a canopy, the following criteria shall apply. Where the following criteria conflicts with other provisions of this Chapter, the provisions below shall apply:

(1) The lot size shall be a minimum of 1.5 acres (gross acreage).

(2) The lot shall have frontage of at least 200 feet on a County road.

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

(4) Canopies shall comply with the following requirements:

[a] Canopies shall be set back at least 15 ft. from property and ultimate rights-of-way lines or shall comply with the setback requirements for principal structures, whichever is greater.

[b] Canopies shall also be set back at least 50 ft. from abutting residentially zoned properties.

[c] Canopies shall have a maximum height of 22 ft.

[d] Individual canopies shall have a maximum area of 5,380 sq. ft.

[e] Where the building has a canopy and the gasoline pumps have a canopy, such canopies shall be separated by a minimum distance of 15 ft.

[f] Lighting for canopies shall use full cut-off flat lens luminaries.

[g] Canopies shall use pitched roofs 4:1 or 6:1.

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

(5) Buildings shall have a front yard setback of an adequate distance to provide safe internal circulation and ingress and egress. Buildings shall be set back at least 40 feet from an adjacent residential district. This setback shall replace any other applicable setback for buildings along the boundary with an adjacent residential zoning district. The building height shall be a maximum of 1-story or 24 feet (including mechanicals), whichever is less. Height shall be measured from the final grade of the parking area to a point midway between the highest and lowest point of the main roof not including projections which only purpose is to provide architectural enhancement but in no event more than 9 feet above the main roof.

(6) Parking shall be set back 5 ft. from the ultimate right-of-way and may be located between the building and a right-of-way.

(7) There shall be maintained a minimum 5 ft. buffer area adjacent to a residential district, except where a public right-of-way intervenes. Buffers adjacent to a residential use shall be a continuous screen by a combination of a 6 ft. high solid wall/fence and screened plantings. Use of native species is encouraged; invasive species identified by the Township shall be prohibited. Screening plantings shall include a mix of evergreen and deciduous trees and shrubs, and may include non-invasive vines, ornamental plantings and grasses.

(8) Driveway entrances shall be no greater than 35 ft. when crossing sidewalks, unless otherwise required by PennDOT or other governmental entity.

(9) Off-street parking may not exceed twice the minimum required.

(10) Loading must be in a designated area and may be located between a building and a right-of-way.

(11) Trash enclosures may be located within a front yard. However, all trash enclosures shall be set back at least 5 ft. from a side or rear property line. When visible from a public street, the structure shall be constructed of brick or stone exterior, with wooden or decorative access gates.

(12) The general parking regulations in Section 295-2301.C shall not apply provided that the buffering requirements of Section 295-405(B)(9)(g)(7) are met and maintained.

(13) One (1) trash receptacle and one (1) recycling receptacle shall be provided and maintained outdoors for each fueling island.

SECTION 3. AMENDMENT TO ARTICLE XXVI – SIGNS, Section 295-2405 “Signs requiring a permit.” is hereby amended to add the following to Section 295-2405.A.(3):

(c) Convenience Store signs. Each Convenience Store is permitted to have one on-site free-standing sign or monument sign on the County road only, one canopy sign, two gas pump spanner signs, one parallel wall sign and one directional sign per entrance with the following limits on area, height and illumination. Notwithstanding provisions to the contrary in this Chapter, cabinet signs are permitted.

<u>Sign Type</u>	<u>Maximum Area (square feet)</u>	<u>Maximum Height (feet)</u>	<u>Illumination</u>
<u>Free-standing</u>	<u>50</u>	<u>15</u>	<u>Internal/external</u>
<u>Monument</u>	<u>50</u>	<u>12</u>	<u>Internal/external</u>
<u>Canopy</u>	<u>10</u>		<u>Internal/external</u>
<u>Spanners</u>	<u>8</u>		<u>Internal/external</u>
<u>Parallel wall sign</u>	<u>15% of the façade up to a maximum of 70</u>	<u>Not to exceed eaves line or top of parapet wall of principal, whichever is lower</u>	<u>Internal/external;</u>
<u>Parallel wall sign (Second wall sign if second entrance)</u>	<u>38</u>	<u>Not to exceed eaves line or top of parapet wall of principal, whichever is lower</u>	<u>Internal/external</u>
<u>Projecting Wall</u>		<u>Not to exceed eaves line or top of parapet wall of principal, whichever is lower</u>	<u>Internal/external</u>
<u>Directional Sign</u>	<u>6</u>	<u>4</u>	<u>Internal/external</u>

SECTION 4. All ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

SECTION 5. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or on the provisions of the Cheltenham Township Code.

SECTION 6. Severability. The provisions of this Ordinance are 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 7. 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 8. Effective Date. This Ordinance shall take effect and be in force from and after its approval as required by the law.

SECTION 9. Repealer. All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

SECTION 10. This Ordinance shall become effective immediately after its legal enactment.

ENACTED and **ORDAINED** this ____ day of _____, 2019.

ATTEST:

**BOARD OF COMMISSIONERS OF
CHELTENHAM TOWNSHIP**

Bryan T. Havir, Secretary

Daniel B. Norris, President