

**CHELTENHAM TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. \_\_\_\_-19**

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**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF  
CHELLENHAM TOWNSHIP, MONTGOMERY COUNTY,  
PENNSYLVANIA AMENDING CHAPTER 295, ZONING, TO  
CLARIFY AND MODIFY THE DEFINITIONS OF “DWELLING,”  
“FAMILY,” “HOTEL,” AND “MOTEL” AND TO ENACT  
DEFINITIONS OF “SHORT-TERM,” “SHORT-TERM TRANSIENT  
LODGING” AND “VACATION RENTAL”; TO REGULATE THE  
USES OF SHORT-TERM TRANSIENT LODGING AND VACATION  
RENTAL; AND TO MODIFY THE USE REGULATIONS FOR A BED  
AND BREAKFAST**

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**WHEREAS**, Cheltenham Township adopted a comprehensive Zoning Ordinance in November 2017 which sought, among other declared purposes, to promote a comprehensive land-use pattern which recognizes the unique cultural, historical, and natural features of Cheltenham Township and provides for the preservation of such features, and to encourage the most appropriate uses of land throughout the Township and community development objectives including, but are not limited to, maintaining and enhancing the Township’s diverse residential neighborhoods and housing stock; and

**WHEREAS**, Cheltenham Township, as have other communities in Pennsylvania, has encountered a number of nuisance situations involving the short-term rental of individual dwellings by owners causing public disturbances, overcrowded parking, disturbance of the peace, the assembly of large numbers of people in confined residential neighborhoods and on individual residential properties, and the summoning of police from other duties to disperse such crowds and return neighborhoods to normalcy; and

**WHEREAS**, such situations have included renters who charge fees for the admission of partygoers to residential properties; and

**WHEREAS**, such situations have even included advertising parties on social media with admission fees to residential properties; and

**WHEREAS**, such situations have caused, among other things, disturbances in otherwise peaceful neighborhoods, overburdening of police resources, unnecessary use of the Township Planning and Zoning Department resources, encroachment upon the Township’s residential neighborhoods and the transformation of individual residential properties into *de facto* event facilities, open-air bars, discotheques, motels and parking lots within residential neighborhoods thereby converting residential properties into commercial properties in violation of Chapter 295 “Zoning”; and

**WHEREAS**, the Pennsylvania Municipalities Planning Code (“MPC”) authorizes zoning ordinances to permit, prohibit, regulate, restrict and determine, among other things, the uses of structures and land, and the intensity of uses; and

**WHEREAS**, the MPC authorizes zoning ordinances to be designed to prevent overcrowding of

land and to promote the public health, safety, morals and general welfare, to coordinate community development and proper density of population, and to provide for adequate vehicle parking; and

**WHEREAS**, bed and breakfast as a use is expressly permitted in the Township in conformance with certain requirements in the Zoning Code; and

**WHEREAS**, the uses of short-term transient lodging and vacation rental are commercial in nature; and

**WHEREAS**, contemporaneously with the adoption of this Ordinance, the Board of Commissioners shall be implementing an amendment of the Taxation Code, Chapter 270, Article III entitled “Business Privilege Tax” to clarify that vacation rental and short-term transient housing are part of the definition of “business, trade, occupation and profession”.

**NOW THEREFORE, BE IT ORDAINED** by the Board of Commissioners of Cheltenham Township, duly assembled, as follows (new text underlined):

### **SECTION I. - Amendment to the Code**

Chapter 295 entitled “Zoning”, of the Cheltenham Township Code, Article III entitled “Definitions”, Section 295-301 entitled “Definitions” is hereby amended as follows:

**DWELLING:** A building or structure designed, arranged, intended to and used as the living quarters for one or more families living independently of each upon the premises, as applicable by individual dwelling arrangement further defined below. The term “DWELLING” shall not be construed to include short-term transient lodging, vacation rental, hotel/inn, motel, or bed and breakfast (the last except as expressly permitted in conformance with Section 295-405.B.4). Individual dwelling arrangements are further defined below:

**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 vertical common walls 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 are not arranged entirely in horizontal 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, 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 nonresidential building.

...

**FAMILY:** Any number of individuals living and cooking together as a single housekeeping unit, provided that not more than one is unrelated to 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 three, not related to each other by blood, marriage or legal adoption, living and cooking together as a single housekeeping unit; provided, however, that the applicant for the special exception shall dedicate one off-street parking space (See Section 295-2401.D.2.a) for each adult (18 or over) proposed as part of the group of individuals, while complying with all other dimensional criteria of the applicable district as a reasonable accommodation as set forth in the Federal Fair Housing Amendments Act, 42 U.S.C.A. § 3601 at 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 one individual, not related to each other by blood, marriage or legal adoption, qualified by their handicap as defined herein. Domestic workers shall not be included in the number of individuals counted in the term "family."

The term "Family" shall not include any renter or occupant who rents or occupies a dwelling or property on a short-term transient lodging basis or who rents or occupies as a vacation rental. The term "Family" shall also not include anyone who claims the right to visit or occupy a dwelling or property through or by one who rents on a short-term transient lodging basis or who rents as a vacation rental.

...

**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 inns or motor lodges. None of the following shall constitute a Hotel: single-family detached dwelling; two-family building; twin; duplex; single-family attached dwelling unit; townhouse; multiplex; multifamily building; multifamily conversion; or village dwelling unit.

...

**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.” None of the following shall constitute a Motel: Single-family detached dwelling; two-family building; twin; duplex; single-family attached dwelling unit; townhouse; multiplex; multifamily building; multifamily conversion; or village dwelling unit.

...

**SHORT-TERM:** The rental or exchange of any dwelling or dwelling unit for a duration of six (6) months or less.

**SHORT-TERM TRANSIENT LODGING:** Any use of a dwelling or dwelling unit rented or exchanged as a short-term transient or recurrent lodging, regardless of whether there is concurrent or partial occupancy or full occupancy by the owner or another when not in use as a short-term transient lodging.

...

**VACATION RENTAL:** Any use of a dwelling or dwelling unit rented or exchanged as a short-term transient or recurrent lodging, regardless of whether there is concurrent or partial occupancy or full occupancy by the owner or another when not in use as a short-term transient lodging.

## **SECTION II. - Amendment to the Code.**

Chapter 295 entitled “Zoning” of the Cheltenham Township Code, Article IV entitled “Use Regulations”, Section 295-405 entitled “Categories of Permitted Uses” is hereby amended as follows (new text underlined, deleted text by strike-out type):

...

B. Commercial Uses.

...

- (4) Use B-4: Bed and Breakfast: An owner-occupied single-family dwelling where limited lodging is offered for compensation, having no more than seven (7) sleeping rooms for this purpose. A bed and breakfast operation ~~may~~ shall offer a morning meal for overnight guests only. All of the following conditions shall be met: ;

...

- (40) Use B-40: Short-term Transient Lodging or Vacation Rental. Any use of a dwelling or dwelling unit rented or exchanged as a short-term transient lodging or vacation rental, regardless of whether there is concurrent or partial occupancy or full occupancy by the owner or another when not in use as a short-term transient lodging or vacation rental.

**SECTION III. - Amendment to the Code.**

Chapter 295 entitled “Zoning” of the Cheltenham Township Code, Article XI entitled “C1 Commercial Districts”, Section 295-1101 entitled “Permitted Uses” is hereby amended as follows (new text underlined):

Section 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:

...

- (33) Use B-40: Short-term Transient Lodging or Vacation Rental.

**SECTION IV. - Amendment to the Code.**

Chapter 295 entitled “Zoning” of the Cheltenham Township Code, Article XII entitled “C2 Commercial Districts”, Section 295-1201 entitled “Permitted Uses” is hereby amended as follows (new text underlined):

Section 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 1 uses permitted by right. The following uses are permitted by right, and shall not include A-12: Drive-Through Facility as an accessory use:

...

- (aa) Use B-40: Short-term Transient Lodging or Vacation Rental.

**SECTION V. - 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 VI. - 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 VII. - Effective Date.**

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

**SECTION VIII. - Repealer.**

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

**ORDAINED** and **ENACTED** by the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, in lawful session duly assembled this **19<sup>th</sup>** day of **June, 2019**.

**ATTEST:**

**TOWNSHIP OF CHELTENHAM  
BOARD OF COMMISSIONERS**

\_\_\_\_\_  
**Bryan T. Havir**  
*Township Manager and Secretary*

By: \_\_\_\_\_  
**Daniel B. Norris, President**