

CHELTENHAM TOWNSHIP

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF CHELTENHAM, CHAPTER 295, THEREOF, ENTITLED "ZONING" BY ADDING A DEFINITION OF EVENT FACILITY; ADDING AREA AND BULK STANDARDS FOR THE DEVELOPMENT OF TOWNHOUSES WHEN PART OF A LOCAL LANDMARK PRESERVATION DEVELOPMENT; EXEMPTING LOCAL LANDMARK PRESERVATION DEVELOPMENTS FROM THE PRESERVATION OVERLAY DISTRICT; AMENDING THE STEEP SLOPE PROVISIONS; AND TO AMEND THE PARKING REQUIREMENTS TO PROVIDE FOR EVENT FACILITY PARKING.

SECTION 1. Chapter 295, entitled "Zoning", Article I, §295-2 C. Definitions and word usage is hereby amended by adding the following definition:

EVENT FACILITY

An existing building, in excess of 15,000 square feet in size, that has been designated, or is eligible for designation, and is to be maintained as a Local Landmark and capable of being used for rental facilities for banquets, weddings, parties, meetings, conferences, receptions and similar affairs as a means to preserve its integrity.

SECTION 2. Chapter 295, entitled "Zoning", Article V, R3 Residence Districts, §295-21, Use regulations are hereby amended to read as follows:

B. Row houses or townhouses as provided in Article XXIX, §295-226. When the row houses or townhouses are proposed as part of a plan to preserve a Local Landmark, only the provisions of §295-226 B (1) and §295-226 C. (e) [1] shall apply. The tract, in such case, shall be in one ownership 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 completed in accordance with the approved plan.

E. (5) A greenhouse, garden area, maintenance building, parking, and guest rooms for an Event Facility.

H. Multiple-dwelling housing for the elderly is permitted when authorized as a special exception. A multiple-dwelling housing for the elderly project must have frontage and right of access by way of a perpetual easement to at least one state road.

I. Event Facility.

SECTION 3. Chapter 295, entitled “Zoning”, Article V, R3 Residence District, §295-22, Lot area and lot width is hereby amended by adding a new subsection §295-22 C. to read as follows:

C. The minimum lot area for an Event Facility shall be two acres and a lot width of not less than 400 feet at the street line shall be provided for every principal building hereafter erected, altered, or used in this district.

SECTION 4. Chapter 295, entitled “Zoning”, Article V, R3 Residence District shall be amended by adding a new subsection §295-22 D. to read as follows:

D. The dimensional requirements for row houses or townhouses in the R3 District when proposed as part of a plan to preserve a Local Landmark shall be as follows:

- (1) Minimum lot width: 22 feet
- (2) Minimum lot area: 1,800 square feet per unit
- (3) Building to Building Setbacks
 - (a) Front to front: 60 feet
 - (b) Front to back: 60 feet
 - (c) Back to back: 40 feet
 - (d) Side to front or back: 40 feet
 - (e) Side to side: 30 feet
- (4) Maximum building length: 150 feet.
- (5) Setback to the curb line of a street: 25 feet
- (6) Setback to parking areas: 20 feet
- (7) Setback to pedestrian walking trails: 15 feet
- (8) Building Area: 25% based on the portion of the development devoted to row houses or townhouses.
- (9) Building Height: 40 feet.
- (10) Green Area: There shall be maintained a Green area the depth of which shall be at least 10’ between any proposed street and an existing perimeter tract property line. There shall be maintained a Green area, the depth of which shall be at least 40 feet measured from the street line along an existing public highway to any proposed row house or townhouse.

(11) Common Open Space: A minimum of 30% of the area being developed for row houses or townhouses shall be set aside as common open space. Such areas shall be governed by the provisions of §295-190.

(12) Where a tract of land proposed for development lies in Cheltenham Township and an adjacent municipality, and which includes a master plan for the detailed use of the entire tract, yard setback requirements shall be dispensed with along the municipal boundary line.

(13) The lot area per family to establish the permitted density shall not be less than 6,000 square feet per family for the portion of the development devoted to row homes or townhouses.

SECTION 5. Chapter 295, entitled “Zoning”, Article V, R3 Residence District, §295-23, Building area, is hereby amended to read as follows:

The building area shall not exceed 15% of the lot area except for multifamily housing for the elderly or townhouse development where the building area shall not exceed 25% of the lot area.

SECTION 6. Chapter 295, entitled “Zoning”, Article V, R3 Residence District, shall be amended by adding a new subsection §295-24 D. to read as follows:

D. An accessory building may be separate from the principal building. An accessory use in existence as of the date of this ordinance that is part of the cultural landscape of a Local Landmark, but does not meet the required yard, buffer or other setback requirements, may have the applicable setbacks modified by conditional use when part of a land development application.

SECTION 7. Chapter 295, entitled “Zoning”, Article XXII Steep Slope Conservation District shall be amended to add the following to §296-164 A. (1):

(1) This Article shall regulate only those steep slopes which exist for three consecutive two-foot contour intervals (six cumulative vertical feet of slope), and consist of 1,000 square feet or more of horizontal area.

SECTION 8. Chapter 295, entitled “Zoning”, Article XXII Steep Slope Conservation District §296-164 B. (2) shall be amended to read as follows:

(2) Man-made slopes shall be exempted 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; will not result in soil failure, stream siltation or contamination of surface waters; and/or increase the total runoff into any watercourse. Such disturbance shall 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.

SECTION 9. Chapter 295, entitled "Zoning", Article XXII Steep Slope Conservation District shall be amended to add the following to §295-167 B.

(5) Yard setback areas, buildings, driveways, parking areas and roads so long as disturbance is minimized to protect the steepest areas of a site; and the proposed development employs reasonable mitigation techniques and procedures such as re-vegetation measures, control of soil erosion and sedimentation; and stormwater management to reduce the impacts of any disturbance. However, in no case shall buildings, driveways, parking lots or roads be constructed on naturally occurring steep slope areas of 25% or more.

SECTION 10. Chapter 295, entitled "Zoning", Article XXIV Preservation Overlay District, §295-187 C. is hereby amended to read as follows:

C. Notwithstanding the foregoing, multiple-dwelling housing for the elderly projects, and projects that include the preservation of a Local Landmark are exempt from the requirements of this Article.

SECTION 11. Chapter 295, entitled "Zoning", Article XXIX, General Regulations, §295-221 Parking and loading is hereby amended, and a new subsection H shall be added to read as follows:

B (5) (a) Surface parking shall be located to the rear of the principal building or to the side, unless a designated or eligible for designation as a Local Landmark building is being preserved, in which case parking may also be located in front of the building. Parking shall be set back 10 feet from the legal right-of-way.

H. Event Facility: 1 space per 100 square feet of gross floor area devoted to the use.

SECTION 12. Nothing in this Ordinance or in the Code of the Township of Cheltenham shall be construed to effect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued or any cause or causes of action existing under the said Code prior to the adoption of this amendment.

SECTION 13. In all other respects, the Code of the Township of Cheltenham, Chapter 295, entitled "Zoning" is hereby ratified and reaffirmed except where the same is inconsistent with the provisions contained in this Ordinance.

SECTION 14. The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not effect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Cheltenham Township Board of

12-17-12

Commissioners that this Ordinance would have been adopted if such legal, invalid or unconstitutional section, sentence, clause, part or provisions had not been included herein.

SECTION 15. This Ordinance shall take effect and be in force from and after it is approved as required by law.

ENACTED into an ORDINANCE this _____ day of _____ 2013.

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**

BY: _____
Art Haywood, President

ATTEST: _____
Township Manager