

**CHELTENHAM TOWNSHIP
ORDINANCE NO. 2071-04**

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF CHELTENHAM, CHAPTER 295 THEREOF, ENTITLED “ZONING”, BY PERMITTING RELIGIOUS USE BY SPECIAL EXCEPTION WITHIN THE CLASS M-2 MULTIPLE DWELLING ZONING DISTRICTS SUBJECT TO CERTAIN OBJECTIVE PRE-QUALIFYING CONDITIONS

WHEREAS, the Township of Cheltenham Board of Commissioners has determined that the health, safety and welfare of the Township and its residents would be served by permitting religious uses by Special Exception in certain areas currently zoned Class M-2 Multiple Dwelling Districts, subject to objective, pre-qualifying conditions, including minimum lot area, frontage on a state highway, and parking requirements.

SECTION 1. The Code of the Township of Cheltenham, Chapter 295 thereof, entitled “Zoning”, Subsection 295-2.C. is hereby amended by adding the following definitions:

“Religious use- Property owned by and utilized by a religious organization for public worship by a congregation, including religious school, ancillary and accessory uses.”

SECTION 2. The Code of the Township of Cheltenham, Chapter 295, “Zoning”, Article XIII, regulating the “M2 Multiple Dwelling Districts” is hereby amended by adding a new Subsection 295-80.C as follows:

“Religious use is permitted when authorized as a special exception, subject to the following conditions:

- (1) There shall be no residential dwelling units;
- (2) A minimum lot area of five (5) acres;
- (3) At least 500 feet of frontage along a state highway;
- (4) Parking in accordance with the following formula:

- (i) 1 parking space for every 3 seats in the sanctuary;
- (ii) for related and accessory uses other than the sanctuary, 1 parking space for every 3 seats in fixed seating areas; plus 1 space for every 100 square feet of gross open floor area devoted to or capable of being used for assembly by patrons, guests, or members; plus 1 space for every 200 square feet of office area;
- (iii) the total parking required by (i) and (ii) may be reduced by 10% due to the related operation and functioning of the principal and accessory uses;

- (iv) the greater of (A) the minimum number of parking spaces required for the sanctuary or (B) 40% of the total required parking (without consideration of the 10% related parking reduction in (iii)) must be provided on-site. The balance of the required parking (less the 10% related parking reduction in (iii)) may be provided off-site, subject to documentation submitted to the zoning officer demonstrating that off-site parking areas are controlled by the property owner for a term of at least 25 years, within a radius of 3 miles from the boundaries of the property devoted to the religious use; and
- (v) any off-site parking arrangements shall be reviewed annually by the zoning officer. If the total amount of parking is deemed insufficient by the zoning officer, the zoning officer can either require additional off-site parking or restrict any of the related or accessory uses until the required additional parking is provided.

SECTION 3. The Code of the Township of Cheltenham, Chapter 295, Zoning”, Article XXIX, “General Regulations” is hereby amended as follows:

- a. In Subsection 295-221.A.(1) add the following paragraph:

Notwithstanding the above the parking space area for religious use in an M-2 District shall consist of not less than 162 square feet of useable area.

SECTION 4. Nothing in this Ordinance or in the Code of the Township of Cheltenham shall be construed to affect 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 5. In all other respects, the Code of the Township of Cheltenham, Chapter 295, “Zoning”, is hereby ratified and reaffirmed except where the same is inconsistent with the provisions contained in this Ordinance.

SECTION 6. 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 affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Township of Cheltenham Board of Commissioners that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

SECTION 7. This Ordinance shall take effect and be in force from and after it is approved as required by law. **ENACTED** into an **ORDINANCE** this **21st** day of **December, 2004.**

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**

Harvey Portner

By: _____
Harvey Portner, President

David G. Kraynik

ATTEST: _____
David G. Kraynik, Township Manager