

# TOWAMENCIN TOWNSHIP

## ORDINANCE NO. 24-01

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AN ORDINANCE AMENDING (1) THE TOWNSHIP'S ZONING MAP TO REMOVE A PORTION OF THE ELO ENTERTAINMENT LIFESTYLE OVERLAY ALONG FORTY FOOT ROAD; AND (2) CHAPTER 153 [ZONING], ARTICLE 4 [PERMITTED LAND USES PER DISTRICT], SECTION 153-419 [ELO ENTERTAINMENT LIFESTYLE OVERLAY] BY INCREASING THE MINIMUM FRONT-YARD SETBACKS FOR NON-RESIDENTIAL USES TO 75 FEET AND A MAXIMUM PRINCIPAL STRUCTURE BUILDING HEIGHT OF 20 FEET ALONG FORTY FOOT ROAD, RESPECTIVELY

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**WHEREAS**, this Board deems the below amendments to the Township's Zoning Map and associated ELO Entertainment Lifestyle Overlay Ordinance provisions to be in furtherance of the Township's health, safety, and welfare.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED** by this Board as follows:

**SECTION 1.**        AMENDMENT TO THE TOWNSHIP'S ZONING MAP

The Township's Zoning Map shall be amended to remove a portion of the ELO Entertainment Lifestyle Overlay along Forty Foot Road from the ELO Lifestyle Overlay's residential sector, as shown on the attached Plan.<sup>1</sup>

The Township engineer is directed to revise the Zoning Map to reflect this Amendment.

**SECTION 2.**        AMENDMENT TO CHAPTER 153 [ZONING], ARTICLE 4 [PERMITTED LAND USES PER DISTRICT], SECTION 153-419 [ELO ENTERTAINMENT LIFESTYLE OVERLAY] (C) [SETBACK REQUIREMENTS]

Chapter 153 (Zoning), Article 4 [Permitted Land Uses Per District], Section 153-419 [ELO Entertainment Lifestyle Overlay] (C) [Setback Requirements] is amended to add a new Note 4 under the notes portion of the section, which shall read as follows:

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<sup>1</sup> See Plan, attached as Exhibit A, which was prepared by Cornerstone Consulting Engineers & Design Services, Inc., entitled "Overlay District Boundary Exhibit" and dated July 26, 2018, last revised date, September 14, 2023.

4. Front yard setbacks along Forty Foot Road for non-residential uses shall be 75 feet or greater.

**SECTION 3.** AMENDMENT TO CHAPTER 153 [ZONING], ARTICLE 4 [PERMITTED LAND USES PER DISTRICT], SECTION 153-419 [ELO ENTERTAINMENT LIFESTYLE OVERLAY] (E) [MAXIMUM HEIGHT REGULATIONS]

Chapter 153 (Zoning), Article 4 [Permitted Land Uses Per District], Section 153-419 [ELO Entertainment Lifestyle Overlay] (E) [Maximum Height Regulations] is amended to add a new Note 2 under the notes portion of the section, which shall read as follows:

2. Maximum building height of a principal building located along Forty Foot Road shall not exceed 20 feet.

**SECTION 4.** AMENDMENT TO CHAPTER 153 [ZONING], ARTICLE 4 [PERMITTED LAND USES PER DISTRICT], SECTION 153-419 [ELO ENTERTAINMENT LIFESTYLE OVERLAY] (L)(2)(A) [RESIDENTIAL SECTOR/USE C-16 SETBACKS]

Chapter 153 (Zoning), Article 4 [Permitted Land Uses Per District], Section 153-419 [ELO Entertainment Lifestyle Overlay] (L)(2)(A) [Maximum Height Regulations] is amended to remove the following language:

“Except along Forty Foot Road where the minimum front-yard setback should be 75 feet”.

**SECTION 5.** SEVERABILITY

This Ordinance’s provisions are intended to be severable. If any section, sentence, clause, part, or provision of this ordinance is determined to be illegal, invalid, or unconstitutional by any court of competent jurisdiction, such determination shall not affect or impair this Ordinance’s remaining sections, sentences, clauses, parts, or provisions.

Furthermore, it is hereby declared to be this Board’s express intent that this ordinance still be adopted even if such an illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included.

**SECTION 6.**      REPEALER

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

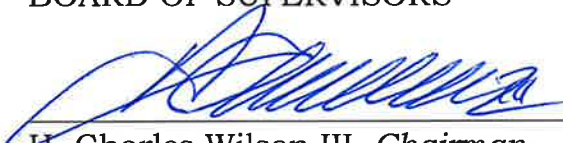
**SECTION 7.**      EFFECTIVE DATE

This Ordinance shall take effect five days from this Board's approval of it as required by Pennsylvania law.

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**ENACTED** and **ORDAINED** by the Board of Supervisors of Towamencin Township at its public meeting on this 24th day of January 2024.

**TOWAMENCIN TOWNSHIP**  
**BOARD OF SUPERVISORS**

  
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H. Charles Wilson III, *Chairman*

Attest:

  
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Joyce Snyder, *Secretary*