

**CHELTENHAM TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. \_\_\_\_-16**

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**AN ORDINANCE AMENDING THE CODE OF  
CHELTENHAM TOWNSHIP, MONTGOMERY COUNTY,  
PENNSYLVANIA, CHAPTER 295 ENTITLED “ZONING”,  
ARTICLE XX ENTITLED “H-D HISTORICAL DISTRICT”,  
SECTION 295-151 ENTITLED “PERMIT PROCEDURE  
FOR BOARDS OF HISTORICAL ARCHITECTURAL  
REVIEW”**

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**WHEREAS**, the Board of Commissioners of Cheltenham Township (“Board of Commissioners) desire to replace review and approval of an application for a permit for the erection, reconstruction, alteration, restoration, demolition or razing of a building or buildings in a historical district by the Board of Commissioners with review and approval by the Public Works Committee, a committee of the whole, to better serve landowners by streamlining the procedural requirements.

**NOW, THEREFORE**, it is hereby **ADOPTED** and **ENACTED** as follows:

**SECTION I** – Section 295-151 of the Cheltenham Township Code is amended as follows (deleted words in cross out, added words in bold):

§ 295-151. Permit procedure for Boards of Historical Architectural Review.

- A. Upon receipt by a BHAR of a notice that an application for a permit for the erection, reconstruction, alteration, restoration, demolition or razing of a building or buildings in its District has been filed in the Office of the Director of the **Planning and Zoning** Department of ~~Engineering, Zoning and Inspections~~, the BHAR will give notice thereof to the ~~Board of Commissioners~~ **Public Works Committee**. The person applying for the permit shall be advised of the time and place of a meeting and be invited to appear to explain his or her reasons therefor. The BHAR may invite such other person or persons as it desires to attend the meeting.
  
- B. If the BHAR, on the basis of the information received at the meeting and from its general background and knowledge, decides to counsel against the granting of a certificate of appropriateness, it shall indicate to the applicant for a permit the changes in plans and specifications, if any, which, in the opinion of the BHAR, would protect the distinctive historical character of the District. The BHAR shall withhold its report to the ~~Board of Commissioners~~ **Public Works Committee** for a minimum period of five days following its decision to allow the applicant to decide whether or not to make the suggested changes

in his plans and specifications. If the applicant determines that he will make the suggested changes, he shall so advise the BHAR which shall counsel the ~~Board of Commissioners~~ **Public Works Committee** accordingly.

C. The BHAR, after the hearing provided for in Subsection A and after the making of any changes in the plans and specifications as provided for in Subsection B, shall submit to the ~~Board of Commissioners~~ **Public Works Committee** in writing its counsel concerning the issuance of a certificate of appropriateness of authorizing a permit for the erection, reconstruction, alteration, restoration, demolition or razing of all or a part of any building within the District. The written report shall set out the following matters:

- (1) The exact address at which the work is to be done.
- (2) The exterior changes to be made or the exterior characters of the structure to be erected.
- (3) A list of the surrounding structures with their general exterior characteristics.
- (4) The effect of the proposed change upon the general historic and architectural nature of the District.
- (5) The appropriateness to the exterior architectural nature of the District.
- (6) The general design, arrangement, texture, material and color of the building or structure and the relation of such factors to similar features of buildings or structures in the District.
- (7) The opinion of the BHAR (including any dissent) as to the appropriateness of the work proposed as it will preserve or destroy the historic aspect and nature of the District.
- (8) The specific counsel of the BHAR as to the issuance by the Public Works Committee or its refusal to issue a certificate of appropriateness.

D. Upon receipt of the written counsel of the BHAR as provided in Subsection C, the ~~Board of Commissioners~~ **Public Works Committee** shall consider at a regular or special meeting the question of issuing to the Director of the **Planning and Zoning** Department of ~~Engineering, Zoning and Inspections~~ a certificate of appropriateness authorizing a permit for the work covered by the application. The applicant shall be advised by the Township Manager of the time and place of the meeting at which his application will be considered and shall have the right to attend and be heard. If the ~~Board of Commissioners~~ **Public Works Committee** approves the application, it shall issue a certificate of appropriateness authorizing the Director of the **Planning and Zoning** Department of ~~Engineering, Zoning and Inspections~~ to issue a permit for the work covered. If the ~~Board of Commissioners~~ **Public Works Committee** disapproves, it shall do so in writing. **A disapproval shall be promptly confirmed in writing at a subsequent meeting of the Board of Commissioners**, and copies shall be given to the applicant and to the Pennsylvania Historical and Museum Commission. The disapproval shall indicate what

changes in the plans and specifications would meet the conditions for protecting the distinctive historical character of the District.

- E. Upon receipt of the written disapproval of the ~~Board of Commissioners~~ **Public Works Committee as confirmed by the Board of Commissioners**, the Director of the **Planning and Zoning** Department of ~~Engineering, Zoning and Inspections~~ shall disapprove the application for a permit and so advise the applicant. The applicant may appeal from the disapproval as provided by law.

**SECTION II – Disclaimer.**

Nothing in this Ordinance shall limit, in any manner whatsoever, the Township's right to enforce any ordinance or law of Cheltenham Township, Montgomery County or Commonwealth of Pennsylvania. Nothing in this Ordinance shall be a defense of any citation issued by any municipal corporation or the Commonwealth pursuant to any other law or ordinance.

**SECTION III – Severability.**

The provisions of this Ordinance are severable, and if any Section, sentence, clause or phrase shall be held by a court of competent jurisdiction to be illegal, invalid, or unconstitutional, the remaining portions of this Ordinance shall not be affected or impaired thereby.

**SECTION IV – Repealer.**

Any ordinance or part of any Ordinance conflicting with the provisions of this Ordinance shall be deemed and the same are hereby repealed to the extent of such conflict.

**SECTION V – 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 VI – Effective Date.**

This Ordinance shall take effect and be in force as soon after adoption as is permitted by law.

**DULY ORDAINED AND ENACTED** this **21<sup>st</sup> day of December, 2016**, by the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, in lawful session duly assembled.

**TOWNSHIP OF CHELTENHAM  
BOARD OF COMMISSIONERS**

Attest: \_\_\_\_\_  
**Bryan T. Havir, Manager/Secretary**

By: \_\_\_\_\_  
**Morton J. Simon, Jr., President**