

Cheltenham Township, believing that public input is appropriate on any item coming before the Commissioners, will recognize any citizen wishing to address a specific item prior to the vote on that issue. In order to be recognized, please raise your hand.

BUILDING AND ZONING COMMITTEE

Wednesday, January 6, 2016

8:00 PM

Curtis Hall

AGENDA

1. Action on Zoning Hearing Board Agenda items for January 11, 2016 (None).
2. There are no Minutes of the December 28, 2015 Planning Commission Meeting, as it was canceled.
3. Discussion of the Proposed Draft Zoning Ordinance.
4. Update on the Proposed Flood Plain Conservation District Overlay Ordinance and the Public Hearing Scheduled for February 17, 2016.
5. Review of Revisions to the Proposed Off-Premises Advertising Sign Overlay District Ordinance and Reaffirm Recommendation to Authorize Advertisement of a Public Hearing (See attached).
6. Discussion of the Local Landmark Ordinance (See attached).
7. Review of Zoning Hearing Board Decisions (None).
8. Report of the Building Inspector for December 2015 (See attached).
9. Old Business.
10. New Business.
11. Citizens' Forum.
12. Adjournment.



Bryan T. Havar
Township Manager

**Review of Revisions to the
Proposed Off-Premises Advertising
Sign Overlay District Ordinance**

**CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. ____
"Off-Premises Advertising Sign Overlay District"**

AN ORDINANCE AMENDING THE CHELTENHAM TOWNSHIP ZONING MAP TO CREATE THE "OFF-PREMISES ADVERTISING SIGN OVERLAY DISTRICT" TO REGULATE THE INSTALLATION AND OPERATION OF OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS IN CHELTENHAM TOWNSHIP; AND AMENDING THE CODIFIED ORDINANCES OF CHELTENHAM TOWNSHIP, CHAPTER 295 (ZONING) TO AMEND ARTICLE I (OBJECTIVES AND TERMINOLOGY), SECTION 2 (DEFINITIONS AND WORD USAGE) TO DELETE THE TERM "BILLBOARD" IN ITS ENTIRETY AND REPLACE WITH A NEW DEFINITION FOR "OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS"; AMEND ARTICLE XXV (SIGNS), SECTION 193 (DEFINITIONS) TO DELETE THE EXISTING DEFINITION OF "ADVERTISING SIGN" IN ITS ENTIRETY AND REPLACE IT WITH A NEW DEFINITION FOR "OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS"; AND ADD A NEW ARTICLE XXXVI ENTITLED "OFF-PREMISES ADVERTISING SIGN OVERLAY DISTRICT" SETTING FORTH THE PERMITTED HEIGHT AND LOCATION OF OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS; THE NUMBER OF SIGNS PERMITTED PER LOT; THE PERMITTED CONTENT FOR OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS; LIGHTING REGULATIONS; MINIMUM LOT SIZE REQUIREMENTS; LANDSCAPING REQUIREMENTS; AND MAINTENANCE REQUIREMENTS.

The Board of Commissioners of Cheltenham Township does hereby **ENACT** and **ORDAIN**:

SECTION I: Zoning Map Amendment.

The Cheltenham Township Zoning Map is hereby amended to identify the Off-Premises Advertising Sign Overlay District as an overlay district in addition to the underlying zoning district on those properties depicted on the plan attached hereto as Exhibit "A."

SECTION II: Amendment to Code.

The Codified Ordinances of Cheltenham Township, Chapter 295 (Zoning), Article I (Objectives and Terminology), Section 2 (Definitions and word Usage), Paragraph C is hereby

amended to delete the existing term and definition of "Billboard" and replace it with the following term and definition:

Off-Premises Advertising Sign or Billboard – a sign which directs attention to a business, commodity, service, entertainment or facility not located, conducted, sold or offered upon the premises where such sign is located.

SECTION III: Amendment to Code.

The Codified Ordinances of Cheltenham Township, Chapter 295 (Zoning), Article XXV (Signs), Section 193 (Definitions), Paragraph B(1) is hereby amended to:

1. Delete the existing term and definition of "Advertising Sign" and replace it with the following term and definition:

Off-Premises Advertising Sign or Billboard – a sign which directs attention to a business, commodity, service, entertainment or facility not located, conducted, sold or offered upon the premises where such sign is located.

2. Amend the existing definition of "Billboard" to read "—See "Off-Premises Advertising Sign or Billboard."

SECTION IV: Amendment to Code.

The Codified Ordinances of Cheltenham Township, Chapter 295 (Zoning), is hereby amended to add the following new Article XXXVI, entitled "Off-Premises Advertising Sign (OPAS) Overlay District":

Article XXXVI. Off-Premises Advertising Sign (OPAS) Overlay District.

- A. Purpose and intent. The purpose of this Section is to provide an area for the placement of off-premises advertising signs or billboards in the Township. The goals of this Section are to:
- (1) Provide clear guidelines and regulations for the placement of off-premises advertising signs or billboards.
 - (2) Provide standards for construction of off-premises advertising signs or billboards.
 - (3) Provide for the location of off-premises advertising signs or billboards so that such signs are not adverse to the health, safety and welfare of the public.

B. General regulations.

- (1) Signs Permitted. Billboards may be permitted by special exception in the OPAS Overlay District subject to the requirements contained in this Section and §295.209 and §295.209.1. All billboards erected within the OPAS Overlay District prior to the enactment of this Ordinance shall be deemed a permitted use. For all billboards erected within the OPAS Overlay District prior to the enactment of this Ordinance, no special exception shall be required unless there is a change or alteration of the sign of a dimension or other characteristic which is regulated by this Ordinance.
- (2) Size of Sign Face. A billboard sign face may not exceed 380 square feet per side in area.
- (3) Height. Billboards shall not exceed 40 feet, 6 inches feet in height. The height shall be measured from the grade of the immediately adjoining street, road, highway or alley to which the sign is oriented to the highest part of the sign.
- (4) Location of Sign. Billboards shall be located no closer than 20 feet from any property line, and shall not be located closer than 25 feet from any street or road measured from the ultimate right-of-way of such street or road. Billboards may not be closer than 500 feet from another billboard measured linearly regardless of whether one of the signs is located in another municipality. No billboard or portion thereof shall be permitted within the clear sight triangle at any intersection of a driveway with a street. No billboard shall be erected within a 100 foot radius of the nearest property line of any of the following: historic site, school, church or other religious institution, retirement or nursing home, cemetery, government building, community center or public park, playground or recreational area. No billboard shall be located within 600 feet of any existing residential dwelling regardless of whether the residence is located in Cheltenham Township or any surrounding municipality.
- (5) Number of Signs Per Lot. There shall be no more than one (1) billboard per lot.
- (6) Content. No billboard shall advertise any adult or sexually-oriented businesses or materials, contain any obscene or profane language, emit any sound, or, otherwise display any content prohibited by 18 Pa. C.S.A. §5903. Billboards shall not advertise alcohol or tobacco products.
- (7) Mechanical Signs. No part of the sign shall revolve, rotate, oscillate, or otherwise move.

- (8) Lighting. Illumination of billboards shall follow the standards and requirements of the Illuminating Engineering Society of North America (IESNA) and shall be subject to review and approval of the Township. To the extent that there is a conflict between a standard and/or requirements of the IESNA and the provisions of this Section, the provisions of this Section shall control. Illumination of all billboards shall be by external illumination or Light Emitting Diode (LED) only. Flashing, scrolling, fading, brightening or animated text or video is prohibited. The copy or image on an LED sign shall not change more than eight (8) times per minute. All copy or image changes shall be instantaneous and shall not fade in or out of the digital active area. Any external illumination shall be shielded as necessary to direct light onto the sign without spill over on any side of the sign. External illumination shall not flash, strobe or otherwise move. Any resulting glare generated by billboard shall not exceed 1/8 foot-candle, as measured on the ground at the curb line or shoulder, so as not to impair the vision of any motor vehicle driver or otherwise interfere with a driver's operation of his or her motor vehicle. A billboard or its structure may be illuminated 24 hours per day.
- (9) Luminance. At no point shall the luminance of any billboard exceed the following:
- (a) Billboards using external illumination shall not exceed 1.75 watts per square foot of board face.
 - (b) The luminance of an LED sign, and any other internally illuminated sign, shall not exceed 100 nits per sign between sunset and sunrise.
 - (c) The luminance of an LED sign, and any other internally illuminated sign, shall not exceed 500 nits per sign between sunrise and sunset.
- (10) Lot size.
- (a) For all billboards erected within the Township prior to the enactment of this Ordinance, there shall be no minimum lot size.
 - (b) For all billboards erected after the enactment of this Ordinance, the minimum lot size for a property on which a billboard may be located is 10,000 sq. ft.
- (11) Construction and Maintenance of Sign. All billboards shall be constructed in accordance with industry-wide standards established by the Outdoor Advertising Association of America and the Institute of Outdoor Advertising, or their successor organizations. All billboards shall be structurally sound and maintained in good condition. If the signs are not structurally sound or maintained in good condition, the

signs shall be immediately removed at the sole cost and expense of the owner of the sign. If a billboard is not structurally sound or remains in poor condition, the Township shall notify the owner of the property on which the billboard is located and provide the owner 60 days written notice certified mail, sent to the owner's last known address, to repair or remove the sign. If the billboard is not repaired or removed within 60 days of the date of the notice, the Township may remove the sign, and the cost thereof shall be paid by the owner of the property on which the sign is erected. The Township may file a lien against the property or take any action permitted by law to collect the cost of removal if it is not paid by the owner of the property. If the billboard is removed for lack of maintenance, it shall be considered discontinued and subject to the provisions of Section 14 below.

- (12) Sign Arrangement. When two sign faces are used in a back-to-back arrangement, they shall be parallel, directly aligned with each other, and not more than five (5) feet apart. When a V-type sign arrangement is used for two sign faces of any billboard, the sign faces shall not be located more than 15 feet apart at the furthest point nor shall the interior angle be greater than 45 degrees. The rear side of any single-face, billboard shall be of one neutral color which shall be specified in the order of the Zoning Hearing Board. There shall be no more than two (2) sign faces per billboard.
- (13) Agreement of Property Owner. No part or foundation or support of any billboard shall be placed on, in or over any private property without the written agreement of the property owner. The agreement shall be presented as part of the application for said sign permit but the consideration or price figures bargained between the private parties may be redacted.
- (14) Owner Identification. All billboards shall be identified on the structure with the name and address of the owner of each sign. Billboards within an area regulated by Chapter 445 of the Pennsylvania Code shall further be identified with a permit number or tag issued by the Pennsylvania Department of Transportation.
- (15) Discontinued Sign. A billboard shall be considered a discontinued sign when it has carried no message for a period of 180 consecutive days, or when such sign no longer identifies a bona fide business, commodity, service, entertainment or facility, or when the majority of the message on such sign has deteriorated to the condition that it is not clearly discernable. A billboard which has been discontinued shall be presumed to be abandoned and shall constitute an illegal billboard. Any period of time for which the discontinued use of billboard is proved to be caused by government actions, labor strikes, material shortages or acts of god, and without any contributing fault of the owner of the sign or user of the

sign, shall not be calculated toward the number of days of discontinued use. Any discontinued billboard shall be removed at the expense of the owner of the sign. In the event that the owner of the sign cannot be ascertained after the Township's reasonable inquiry, the discontinued sign and structure shall be removed at the expense of the owner of the property on which the sign is erected.

- (16) Additional Regulations. In addition to the requirements contained in Section B of this ordinance, all billboards shall comply with any and all applicable zoning regulations not specifically established herein and any and all Township, State and/or Federal statutes and/or regulations, including, but not limited to, the Federal Highway Beautification Act, as amended, Cheltenham Township Administrative Building and Property Maintenance codes, and all applicable Pennsylvania Department of Transportation regulations. In the event any other applicable regulation is in conflict with the provisions of this Section, the more strict regulation shall apply.
- (17) Submission Requirements. In addition to the requirements set forth in the zoning ordinance, plans submitted for billboards shall show the following:
 - (a) The location of the proposed sign on the lot with the required sign setbacks from the property line and the ultimate right-of-way.
 - (b) The location of the proposed sign on the lot and radii of 600 linear feet, 500 linear feet, and 100 linear feet from the proposed sign location.
 - (c) The location and species of existing trees over four (4) inches in diameter and those that are proposed to be removed.
- (18) Landscaping. Landscaping shall only be required in the case of (1) a newly constructed billboard or (2) modification(s) to an existing billboard which require(s) a new land development application or require(s) new zoning relief. Landscaping shall be provided and maintained at and around all billboards in the OPAS Overlay District, in accordance with a landscaping plan to be submitted at the time of the use application, so the area in the immediate vicinity of the sign structure presents an appearance that is attractive to passing motorists. Such landscaping plan shall, to the extent practicable, present an attractive and logical scheme which incorporates a variety of low-growing evergreen and deciduous plantings, providing year round vitality and visual interest. Such landscape plan shall take into consideration the need for access to the sign structure with necessary equipment, as well as visibility of the advertising faces as viewed by the traveling public. The landscaping plan will be required to meet the

following minimum requirements and shall be submitted, reviewed and approved by the Municipal Engineer and the Shade Tree Advisory Committee:

- (a) Five evergreen trees with a height of five feet to six feet planted within a forty-foot radius on the sides and rear of the base of the sign;
 - (b) Four flowering trees with a height of eight feet to 10 feet planted within a fifty-foot radius on the sides and rear of the base of the sign; and
 - (c) One shrub tree with a height of three feet to four feet for each three lineal feet of road frontage along the parcel or 40 shrubs, whichever is greater, to be placed in front of the sign.
 - (d) All trees four inches in diameter or greater that are removed due to the construction or erection of a billboard shall be replaced on site at a ratio of one replacement tree for each tree removed, using native species, no less than three (3) inches in caliper.
 - (e) Applicants unable to comply with the full extent of the requirements of this section due to site conditions, may at the discretion of the Shade Tree Advisory Committee and Municipal Engineer, plant all or a portion of the required landscaping on another part of the subject property or at a suitable location, as agreed to by the Township.
- (19) Maintenance of Landscaping. All landscaping shall be maintained in a good and safe condition. If any approved landscaping is found by the Township to be in poor condition, the Township shall notify the owner of the property on which the billboard and landscaping are located and provide the owner 60 days written notice certified mail, sent to the owner's last known address, to correct to the condition of the landscaping to the satisfaction of the Township. If the condition of the landscaping is not corrected within 60 days of the date of the notice, the Township may perform such work as is necessary to bring the landscaping into a good and safe condition, and the cost thereof shall be paid by the owner of the property on which the sign and landscaping are located. The Township may file a lien against the property or take any action permitted by law to collect the cost of any corrective action taken by the Township if it is not paid by the owner of the property.
- (20) Public Service Messages on Electronic Billboards.
- (a) Alerts. The operator of a billboard shall post Amber (also known as Child Abduction Emergency), police and emergency

management alerts (Alerts) whether received from the Township Police Department, the Pennsylvania State Police, the National Missing and Exploited Children Association or other official, government emergency services or security department authorized to issue emergency alerts, and, accordingly, the billboard shall be permitted to operate 24 hours per day. Alerts shall, promptly after receipt, run not less than one time per minute for the duration of an emergency.

- (b) Public Service Messages. The operator of a billboard shall provide the Township with the opportunity to post a minimum of 30 Public Service Messages on the billboard sign each hour, seven (7) days per week, exclusive of Alerts. The Township may post Public Service Messages announcing the following activities: Cheltenham Township events, community events which are conducted in Cheltenham Township, Cheltenham Township School District events, welcome announcements for new businesses opening in Cheltenham Township (for a duration of no more than two (2) weeks), and other similar public service announcements (Public Service Message). The Township shall be responsible for providing to the billboard operator the messages in an adaptable format at the Township's costs. The content of the Township's requested Public Service Messages shall be subject to the operator's reasonable approval and not exceed one advertising slot on rotation of every 60 seconds of advertising.

- (21) Nothing in this Ordinance shall be construed to repeal or limit Cheltenham Township Code 295-197.B.(1) regulating billboards in Industrial Districts.

SECTION VI: Severability.

The provisions of this Ordinance are intended to be 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 VII: 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 VIII: Effective Date.

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

SECTION IX: Repealer.

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

SECTION X: Disclaimer.

Nothing in this Ordinance shall limit, in any manner whatsoever, the Township's right to enforce any ordinance or law of the Township of Cheltenham, County of Montgomery 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.

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, this 17th day of February, 2016.

CHELTENHAM TOWNSHIP

By: _____, President,
Board of Commissioners

Attest: **Bryan T. Havir,**
Township Manager/ Secretary

NOTICE

NOTICE is hereby given that the Board of Commissioners of Cheltenham Township, at its public meeting on February 17, 2016, at 7:30 p.m. at Curtis Hall, 1250 West Church Road, Wyncote, Pennsylvania, will hold a public hearing on and could vote to adopt an ordinance entitled "Off-Premises Advertising Sign (OPAS) Overlay District" amending the Cheltenham Township Zoning Map to create the "Off-Premises Advertising Sign (OPAS) Overlay District" to regulate the installation and operation of off-premises advertising signs or billboards in Cheltenham Township; and amending the Codified Ordinances of Cheltenham Township, Chapter 295 (Zoning) to amend Article I (Objectives and Terminology), Section 2 (Definitions and Word Usage) to delete the term "Billboard" in its entirety and replace with a new definition for "Off-Premises Advertising Signs or Billboards"; Amend Article XXV (Signs), Section 193 (Definitions) to delete the existing definition of "Advertising Sign" in its entirety and replace it with a new definition for "Off-Premises Advertising Signs or Billboards" and amend the definition of "Billboard"; and add a new Article XXXVI, entitled "Off-Premises Advertising Sign (OPAS) Overlay District" setting forth the permitted height and location of off-premises advertising signs or billboards; the number of signs permitted per lot; the permitted content for off-premises advertising signs or billboards; lighting regulations; minimum lot size requirements; and maintenance requirements.

Copies of the full text of the proposed ordinance are available for examination during normal business hours at the offices of *Times Chronicle*, 307 Derstine Avenue, Lansdale, PA 19446, the Montgomery County Law Library, Court House, Norristown, Pennsylvania 19401 and the Cheltenham Township Administration Building, 8230 Old York Road, Elkins Park, Cheltenham, Montgomery County, Pennsylvania 19027 where a copy of the proposed ordinance may be obtained for a charge not greater than the cost thereof.

CHELtenham TOWNSHIP

Bryan T. Havir
Township Manager

PUBLISH: TIMES CHRONICLE, 2X
Sunday, January 31 and February 7, 2016
PO #22344

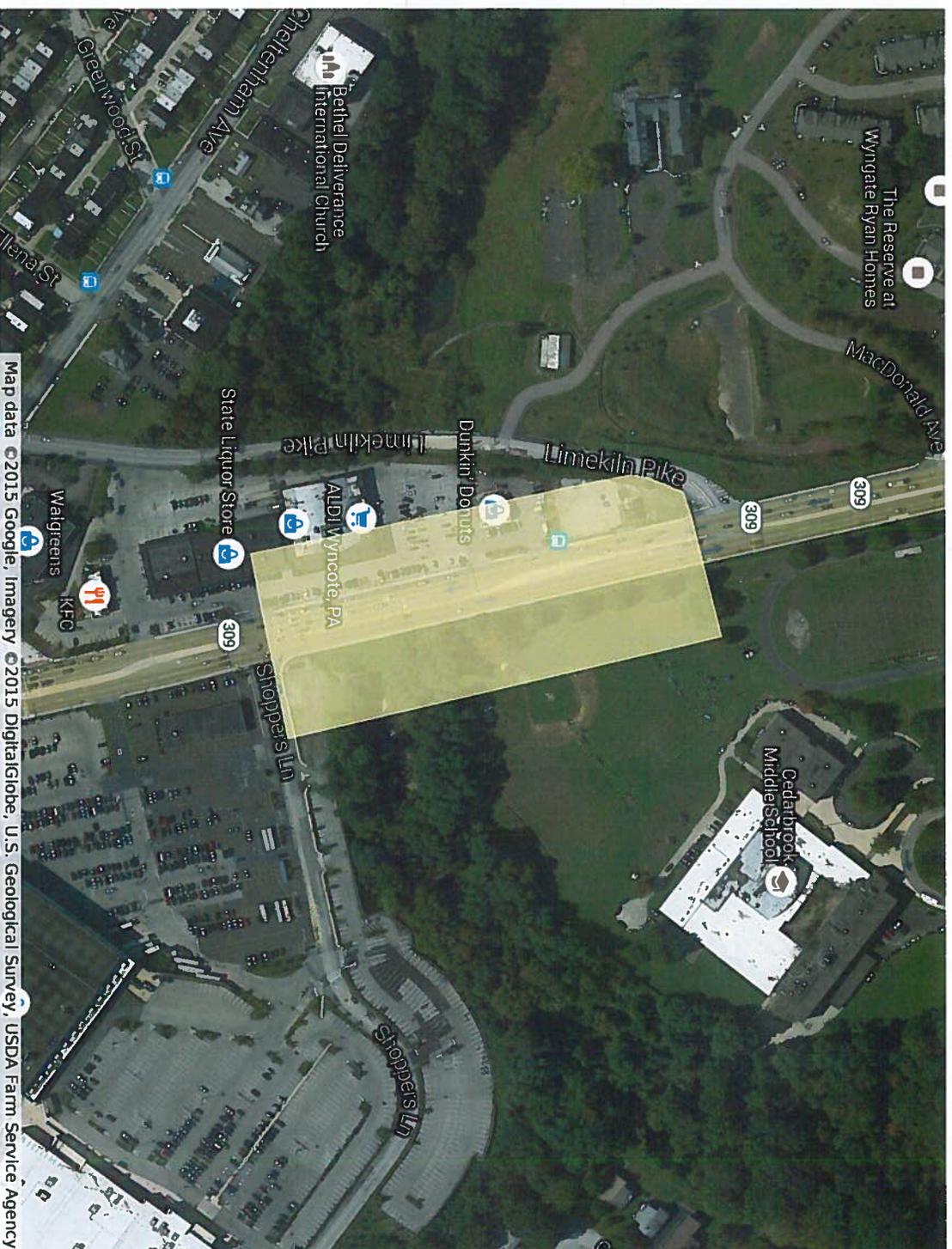
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Off-Premises Advertising Sign Overlay District

District Boundary



OPAS - Off Premises
Advertising Sign Overlay
District



Map data ©2015 Google, Imagery ©2015 DigitalGlobe, U.S. Geological Survey, USDA Farm Service Agency

Exhibit A

**Review of the
Local Landmark Ordinance**

CHELTENHAM TOWNSHIP

ORDINANCE NO. _____

LOCAL LANDMARK ORDINANCE

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF CHELTENHAM, ESTABLISHING CHAPTER 175, ENTITLED "LOCAL LANDMARKS;" PROVIDING CRITERIA FOR QUALIFICATION AS LOCAL LANDMARKS; PROVIDING FOR CERTIFICATES OF APPROPRIATENESS; AND PROVIDING FOR PENALTIES FOR VIOLATION OF THE ORDINANCE

SECTION 1. The Board of Commissioners hereby adopts the following as Chapter 175, entitled "Local Landmarks."

§ 175-1. Purpose.

It is the purpose and intent of this ordinance to protect and enhance the special character and historic interest of the Local Landmarks in Cheltenham Township in the interest of the health, prosperity, safety, and welfare of the people. The additional purposes of this Chapter are to:

- (1) Protect and enhance designated Local Landmarks which reflect the Township's cultural, social, economic, political, or architectural history;
- (2) Safeguard the Township's historic and cultural heritage as embodied within the Local Landmarks;
- (3) Promote appreciation of Local Landmarks for the education and enjoyment of local residents;
- (4) Encourage beautification and private investment in the Township's Local Landmarks to enhance the visual character of the community;
- (5) Stabilize and improve property values; and
- (6) Foster civic pride in the history and architectural integrity of the Township.

§ 175-2. Definitions.

For the purposes of this Chapter, the following terms shall have the meanings indicated:

BOARD OF COMMISSIONERS – The governing body of the Township.

CERTIFICATE OF APPROPRIATENESS (COA) - Document issued by the Board of Commissioners, following a prescribed review procedure, certifying that the proposed actions by an applicant related to Demolition or Relocation are found to be acceptable in terms of criteria relating to the individual Local Landmark, pursuant to the criteria enumerated in this Chapter.

BUILDING – A construction that is a man-made piece of work, regardless of its state or condition of disrepair, built for the purpose of occupancy or use in the past, present or future, having a fixed location on, above or below the surface of land.

DEMOLITION - Either or both of the following: (1) the razing, removal, or demolition of fifty (50) percent or more of the roof area or exterior walls of a building; or (2) the razing, removal, or demolition of any portion of any exterior wall substantially visible from a public street; or (3) the razing, removal or demolition of a structure which is not a building or of an object, if any such case in clause (2), in the determination of the Board of Commissioners, such razing, removal, or demolition will negatively and materially impair the structural, historic or architectural integrity or quality of the Local Landmark.

DEMOLITION BY NEGLECT - The absence of routine maintenance and repair to such a degree that, in the opinion of the Township Zoning Officer, there is a reasonably significant possibility that it will lead to a Local Landmark’s inability to be rehabilitated and/or reused, or a Local Landmark’s structural weakness, decay, and/or deterioration, whether or not by negligence and whether or not willful neglect, purpose or design, by the owner or any party in possession thereof. Demolition by neglect shall also include leaving a Local Landmark open to decay by the elements or vulnerable to vandalism which may be enforced hereunder or under all applicable property maintenance ordinances including, the International Property Maintenance Code, International Fire Code, International Building Code, Nuisances, and the Vacant Property Registration Ordinance, whichever is stricter.

DENIAL - The written rejection of an application for work that is determined to be inappropriate due to the fact that the work would adversely impact a Local Landmark.

DEPARTMENT – The Cheltenham Township Department of Planning and Zoning or the department from time-to-time fulfilling the same functions.

LOCAL LANDMARK - Any Building, Structure, Site, or Object which possesses integrity of location, design, setting, materials, and workmanship reflecting the cultural, social, economic, political or architectural history, and which has been included in the Cheltenham Township Cultural Resources Survey. The initial Cheltenham Township Cultural Resources Survey is attached hereto as Exhibit A. The survey may be updated and amended from time to time and the current form will be available at the Township Administration Building. Local Landmark also includes any Building, Structure, Site, or Object listed or eligible for listing on the National Register of Historic Places. Local Landmarks may be located within designated Historical Districts (defined in and also regulated by Chapter 295, Article XX) if they are listed or eligible for listing on the National Register of Historic Places, or they may be on Sites located outside of the designated Historical Districts.

OBJECT – Any personal property not attached to a structure but having independent standalone structural, historic or architectural quality or integrity, including, but not limited to fountains, sculpture, freestanding signs, arborways and trellises, garages and accessory buildings, as defined in the Cheltenham Township Code.

PRESERVATION - The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a Local Landmark. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.

RECONSTRUCTION - The act or process of reproducing, by means of new construction, the form, features, and detailing of a non-surviving Site, Building, Structure, or Object for the purpose of replicating its appearance at a specific period of time and/or in its historic location. Materials and design elements should be compatible with the style of the Local Landmark.

REHABILITATION - The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values. Materials and design elements should be of a compatible style to the Local Landmark.

RELOCATION – Movement of a Local Landmark, or any part thereof from one Site to another location. The Local Landmark shall remain a Local Landmark, unless determined otherwise during the COA review process.

REPAIR – The act or process of restoring a decayed or damaged resource to a sound condition. Materials and design elements should be compatible with the style of the Local Landmark.

REPLACEMENT - The act of replicating any exterior architectural feature in order to substitute for an existing deteriorated or extensively damaged architectural feature. Materials and design elements should be of a compatible style to the Local Landmark.

RESTORATION - The act or process of accurately reproducing the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period that is selected. Materials and design elements should be of a compatible style to the Local Landmark.

SITE - The place where a significant event or pattern of events occurred. It may be the location of prehistoric or historic occupations or activities that may be marked by physical remains; or it may be the symbolic focus of a significant event or pattern of events that may not have been actively occupied. A Site may also be the location of a ruined Building, Structure, or Object, or the location itself possesses historic, cultural, architectural or archeological significance.

STRUCTURE – A construction, regardless of its state or condition of disrepair, for the purposes of occupancy, use, or ornamentation, having a fixed location on, above, or below the surface of land. Structures include, but are not limited to, Buildings, flagpoles, fences, gazebos, pergolas, canopies, permanent signs, walls, paved parking areas, and driveways.

TOWNSHIP – Cheltenham Township, Montgomery County, Pennsylvania.

§ 175-3. Designation of Local Landmarks.

For the purpose of this Chapter, any Building, Structure, Site or Object, located outside of the Historical Districts, meeting at least one of the following criteria shall be designated a Local Landmark:

- 1) it is identified in the Cheltenham Township Cultural Resources Survey (Exhibit A hereto, on file with the Township of Cheltenham), as updated and amended from time to time;
- 2) it is listed in the National Register of Historic Places;
- 3) it is determined to be eligible for listing in the National Register of Historic Places.

§ 175-4. Certificate of Appropriateness Required.

No permit for the Demolition or Relocation of any Local Landmark shall be issued without the applicant for such permit first obtaining a Certificate of Appropriateness under the review procedure required by this Chapter.

§ 175-5. Planning Commission.

The Cheltenham Township Planning Commission shall be responsible for reviewing and recommending to the Public Works Committee of the Board of Commissioners actions to take regarding applications for Demolition or Relocation of Local Landmarks.

The Board of Commissioners shall designate a member of the Historical Commission to serve as an ex officio, non-voting participant at the Planning Commission meetings at which applications for Demolition or Relocation of Local Landmarks will be discussed.

§ 175-6. Public Works Committee of the Board of Commissioners.

The Public Works Committee of the Board of Commissioners shall be responsible for reviewing and recommending to the Board of Commissioners actions to take regarding applications for Demolition or Relocation of Local Landmarks.

§ 175-7. Certificate of Appropriateness review procedure for Demolition or Relocation of Local Landmarks:

- (1) Prior to submission of a permit application for the Demolition or Relocation of a Local Landmark, the applicant shall provide to the Department the following information, plans, photographs, and other supporting materials:
 - a) Certificate of Appropriateness Application in the form from time to time in effect.
 - b) Copy of deed showing ownership of property.
 - c) 4" x 6" (or larger) labeled photographs showing:
 - (i) All sides of existing Structures and/or Objects.
 - (ii) Site surrounding existing Structures and/or Objects.
 - (iii) Adjacent Sites and Structures including adjacent properties and across streets and rights-of-way.

- d) Scaled drawings indicating all proposed changes, as applicable:
 - (i) Site plan, including adjacent Sites and buildings.
 - (ii) Floor plans.
 - (iii) All elevations (unless Demolition is applied for).
 - (iv) Details of all proposed work and new exterior elements (the latter, if applicable).
 - e) Samples or catalog cuts of any new materials to be used.
 - f) Any additional information deemed necessary by the Planning Commission, in order to make a sound decision, after an initial consultation or review.
 - g) A signed letter of authorization permitting a designated representative to present the project on behalf of the applicant, if applicable.
- (2) The Department shall notify the Board of Commissioners and Planning Commission that a complete application for a Certificate of Appropriateness for a Local Landmark has been filed. The Township shall notify the applicant of the time and place of the next Planning Commission meeting when the application will be discussed, which shall occur no less than 40 days after the Department has determined that the application is complete.
- (3) The applicant, or designated representative, must appear to explain and present the application to the Planning Commission. If the applicant, or designated representative, does not attend the scheduled meeting, the application shall be tabled and will be heard at the next regularly scheduled meeting of the Planning Commission. If the applicant, or designated representative, does not attend the second scheduled meeting, without prior consent and approval from the Director of the Department, the Planning Commission can take action on the application.
- (4) In determining whether Preservation is feasible, the Planning Commission and the Public Works Committee may recommend and the Board of Commissioners may disapprove the application upon finding Preservation of the Local Landmark is feasible. The following factors, among such others as the Planning Commission, Public Works Committee and/or Board of Commissioners deem appropriate, shall be considered:
- a) Whether the Local Landmark is representative of a specific period of significance or is of a design or is of cultural or historic significance that is integral to the Township's history.
 - b) Whether the Structure(s) can be Preserved by protecting its location from disturbance.

- c) Whether measures, such as Rehabilitation, Reuse, or Restoration, can result in Preservation of the Structure or Structures.
 - d) Whether the steps necessary for Preservation of the Structure or Structures will create an economic hardship.
 - e) Whether the measures taken to Preserve the Structure(s) are long-term in nature.
- (5) In determining whether Preservation of the Structure(s) at another location is feasible, the following factors, among such others as the Planning Commission, Public Works Committee and/or Board of Commissioners deem appropriate, shall be considered:
- a) Whether the Structure or Structures can be moved and still retain its historic significance.
 - b) Whether the Structure(s) are stable enough to permit Relocation.
 - c) Whether it is feasible and practical to relocate the Structure(s) without creating an economic hardship.
 - d) Whether Relocation would result in the long-term preservation of the Structure or Structures.
- (6) The Planning Commission will review the application and evaluate the probable impact of the Demolition or Relocation of a Local Landmark. The Demolition or Relocation will be considered based on the factors in subparagraph (5) above and the integrity of the Structure(s), the impact on the Sites immediately adjacent to the proposed Demolition or Relocation Site(s) and the impacts throughout the immediate neighborhood or area. The Planning Commission shall first consider whether Preservation of the Structure(s) in place is feasible, or failing that option, whether Preservation is feasible at another location.
- (7) Only in the case of Demolition which is not the razing, removal or demolition of the entire Local Landmark, this subparagraph shall apply. The Planning Commission, on the basis of the information received at the meeting and from its general background and knowledge, shall indicate to the applicant the changes in plans and specifications, if any, which, in the opinion of the Planning Commission, would protect the distinctive character of the Local Landmark. The applicant shall be granted the opportunity to work with the Planning Commission to find an appropriate use for the property, to help find a buyer for the property, or to obtain grant or loan funding to complete rehabilitation work.
- (8) Upon recommendation for approval or disapproval of the application by the Planning Commission, the application will be forwarded to the Publics Work Committee of the Board of Commissioners for review at its next regularly scheduled meeting. The Public Works Committee shall then submit to the Board of Commissioners, in writing, its recommendation concerning the issuance of a Certificate of Appropriateness authorizing a permit for the Demolition or Relocation.

- (9) If the Board of Commissioners disapproves the application for Certificate of Appropriateness, it shall do so in writing, and copies shall be given to the applicant and to the Pennsylvania Historical and Museum Commission. Only in the case of demolition of less than the entire Local Landmark, the+ disapproval shall indicate what changes in the plans and specifications would meet the conditions for protecting the distinctive historical character of the Local Landmark. Upon receipt of the written disapproval of the Board of Commissioners, the Director of the Department shall disapprove the application for a building permit and so advise the applicant. The applicant may appeal the disapproval as provided by law.
- (10) The above required procedures pursuant to the granting of a permit for Demolition or Relocation of a Local Landmark may be suspended in cases where the property has been determined to be imminently dangerous, as determined by the Department and the Fire Marshal. In the case of an imminently dangerous Local Landmark, the Department and the Fire Marshal shall first consider the use of barriers, bracing and/or other alternatives to razing the Structure. If time permits, the Department and the Fire Marshal shall consult with the Township Manager and, if feasible, the Board of Commissioners, in an emergency meeting. The Township shall be responsible for notifying all property owners on the same street within 500 feet of the designated site of the Demolition/Relocation application and all property owners not on the same street but within 150 feet of the designated site.
- (11) The Township will be responsible for notifying the Township Historical Commission at least 30 days prior to public review of the application by the Planning Commission, so that the Commission may provide advisory comments regarding the application.

§ 175-8. Time limitations.

The Township shall have 120 calendar days to act on a complete application for a Certificate of Appropriateness, from the date the application is deemed complete by the Township including notification in writing of the pendency of the application to both the Board of Commissioners and the Planning Commission. If no action has been taken after 120 days, such application shall be deemed to have been approved; and the issuance of any permit dependent upon the Certification of Appropriateness shall be so authorized by the Township. This time limit may be waived or extended at any time by mutual consent of the applicant and the Board of Commissioners.

§ 175-9. Expiration.

Any Certificate of Appropriateness issued pursuant to the provisions of this Chapter shall expire one (1) year from the date of issuance, except that under the following circumstances the Certificate of Appropriateness shall continue to be in effect:

- (1) the authorized work is commenced within said one year time period and is continuing with reasonable diligence, and
- (2) an active building permit for the authorized work is on file with the Township.

§ 175-10. Exceptions to Certificate of Appropriateness Procedure.

A Certificate of Appropriateness is not required for the routine repair, maintenance or replacement in kind of any exterior elements or features of any Building or Structure of any Local Landmark. If the Director of the Department determines that the proposed work is routine repair or maintenance or replacement in kind, the applicant may then make application for a building permit where applicable.

§ 175-11. Documentation of Local Landmark Prior to Demolition or Relocation.

If the Township issues a permit for the Demolition or Relocation, the Board of Commissioners shall require the applicant to provide documentation of the Local Landmark proposed for Demolition or Relocation. Such documentation may include photographs, floor plans, copies of deeds, scaled site plans, archeological survey, summary descriptions, maps, and any other comparable form of documentation stipulated by the Board of Commissioners, in order to provide a record of the property for future generations. Copies of documentation shall be provided to the Department, the Cheltenham Township Historical Commission, and to any other research institution or document repository deemed appropriate by the Board of Commissioners, prior to the approved Demolition or Relocation.

§ 175-12. Demolition by Neglect.

Demolition by neglect shall be a violation of the provisions of this Chapter and shall not be grounds for issuance of a Certificate of Appropriateness and/or permit for Demolition or Relocation, and shall be subject to the violation provisions and penalties provided for in this Chapter. In addition, unoccupied Buildings constructed for the purposes of occupancy or storage regardless of their state or condition shall be tightly sealed, weatherproofed, fenced or otherwise protected, and their utilities shall be shut off for safety, violation of which shall be subject to the violation provisions and penalties provided for in this Chapter. Local Landmarks are also subject to all applicable property maintenance ordinances including, the International Property Maintenance Code, International Fire Code, International Building Code, Nuisances, and the Vacant Property Registration Ordinance.

§ 295-13. Violations and Penalties.

Any person, partnership, corporation, unincorporated association or other entity who or which shall violate any of the provisions of this Chapter shall upon adjudication thereof in a civil enforcement proceeding commenced by the Township be subject to a civil penalty not to exceed \$1,000 per violation, plus costs of prosecution. Each day that such violation shall occur shall constitute a separate violation.

SECTION 2. Disclaimer. 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 3. Ratification. 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 4. Severability. 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 Cheltenham Township Board of 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 5. 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 6. Repealer. Except as otherwise expressly provided herein, any Ordinance or any 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 7. Effective Date. 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 _____, 2016.

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**

ATTEST: _____
Bryan T. Havar,
Township Manager & Secretary

BY: _____,
President

Report of the Building Inspector
for December, 2015

December 28, 2015

COMMISSIONERS OF CHELTENHAM TOWNSHIP
ELKINS PARK, PA 19027

COMMISSIONERS OF CHELTENHAM TOWNSHIP
REPORT OF THE BUILDING INSPECTOR FOR DECEMBER, 2015
PAGE 1

	# PERMITS	TOT. FEES	\$ VALUE
RESIDENTIAL			
RENOVATIONS / ALTERATIONS	52	16,125	806,250
MULTI-FAMILY			
RENOVATIONS / ALTERATIONS	1	375	18,750
COMMERCIAL			
RENOVATIONS / ALTERATIONS	6	15,235	761,750
INSTITUTIONAL			
RENOVATIONS / ALTERATIONS	1	671	671
FENCE	6	458	458
DECEMBER, 2015	87	32,864	1,587,879
DECEMBER, 2014	42	17,897	892,950
YEAR-TO-DATE 2015	1,031	316,570	15,642,058
TOTAL 2014	889	242,178	13,037,971
HEATING & AIR CONDITIONING			
DECEMBER, 2015	16	4,331	216,550
DECEMBER, 2014	12	4,688	234,400
YEAR-TO-DATE 2015	110	34,454	1,818,201
TOTAL 2014	115	32,826	1,637,850
ELECTRICAL			
DECEMBER, 2015	21	7,694	384,700
DECEMBER, 2014	15	3,485	174,250
YEAR-TO-DATE 2015	138	45,472	2,358,422
TOTAL 2014	147	42,731	2,136,550
PLUMBING			
DECEMBER, 2015	15	1,960	98,000
DECEMBER, 2014	10	1,750	87,500
YEAR-TO-DATE 2015	117	22,737	1,225,600
TOTAL 2014	161	36,262	1,778,793
FOG PERMITS			
DECEMBER, 2015	2	500	500
DECEMBER, 2014	1	500	500
YEAR-TO-DATE 2015	84	23,725	23,725
TOTAL 2014	57	28,500	28,500

Decenberm 28, 2015

COMMISSIONERS OF CHELTENHAM TOWNSHIP
ELKINS PARK, PA 19027

**COMMISSIONERS OF CHELTENHAM TOWNSHIP
REPORT OF THE BUILDING INSPECTOR, DECEMBER, 2015
PAGE 2**

GRADING PERMITS

DECEMBER, 2015	1	200	200
DECEMBER, 2014	1	400	400
YEAR-TO-DATE 2015	10	3,200	3,200
TOTAL 2014	2	800	800

Henry Sekawungu RTH 12/28/15
Henry Sekawungu
Director - Planning and Zoning